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**BILL 31**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

*Legislative Assembly*

**Government  
Publications**

98

**An Act to require The Essex County Board of Education to  
provide a French-language Secondary School**

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill requires The Essex County Board of Education to proceed with the selection of a site for and the planning and construction of a French-language secondary school designed to accommodate 750 French-speaking secondary school pupils and to thereafter conduct and maintain the school as a French-language secondary school in accordance with *The Education Act, 1974* and the regulations made thereunder.

Where the Board fails to proceed in the manner directed in the Bill, provision is made for the Minister to do all things necessary to cause the school to be constructed and to recover from the Board the expenses in so doing, beyond the amount of any grants payable to the Board by the Minister in respect of the construction of the school.

**BILL 31****1977**

**An Act to require The Essex County Board  
of Education to provide a French-language  
Secondary School**

**W**HEREAS the French-language advisory committee of Preamble  
The Essex County Board of Education has, since 1969, consistently recommended that a French-language secondary school be provided; and whereas, upon such recommendation having been rejected by the Board in the year 1974, the Languages of Instruction Commission of Ontario recommended that the Board provide such a school; and whereas The Essex County Board of Education, having initially rejected the recommendation of the Commission, subsequently agreed in April, 1975 to proceed with construction of a French-language secondary school, but on and after the 23rd day of February, 1976 ceased to proceed therewith; and whereas a mediator appointed by order in council No. 1452/76 recommended in February, 1977 that the Board build such school, but the Board, on or about the 8th day of March, 1977, decided not to build the school and it is now apparent that no such school will be provided at this time; and whereas there are sufficient French-speaking secondary school pupils resident in or adjacent to the area of jurisdiction of The Essex County Board of Education who have elected to be taught in the French language to warrant the provision of a French-language secondary school; and whereas the public interest, and in particular the interests of such French-speaking secondary school pupils, requires that such a school be constructed;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Board" means The Essex County Board of Education;



- (b) "Deputy Minister" means the Deputy Minister of Education;
- (c) "Minister" means the Minister of Education;
- (d) "Ministry" means the Ministry of Education;
- (e) "School" means the French-language secondary school required to be constructed by this Act.

Deemed  
resolution  
of Board

**2.** On the day upon which this Act comes into force, the Board is deemed to have passed a resolution to construct a building suitable for a School to accommodate seven hundred and fifty French-speaking secondary school pupils.

Board to  
construct  
School

**3.** Within thirty days after the coming into force of this Act, the Board shall, at a special meeting of the Board,

- (a) select a site for the School that is not, on the day this Act comes into force, the location of an existing school; and
- (b) appoint an architect and any other persons required for the purpose of building the School,

and following such meeting, the Board shall forthwith proceed with the planning and design of the building, obtain all approvals required for construction of the School and, upon receipt of such approvals, proceed in accordance with the policies of the Board to tender and contract for the construction of the School.

Notice  
by  
Minister

**4.—(1)** Where, in the opinion of the Minister, the Board fails to take any action or proceeding that it is required to take under section 3, the Minister may, by notice in writing to the Board, specify the action or proceeding that the Board has failed to take and direct the Board to take such action or proceeding within such time, being not less than ten days after the notice is sent, as the notice specifies.

Minister  
may cause  
School to be  
constructed

**(2)** Where the Minister has sent notice to the Board under subsection 1 and the Board fails to take the action or proceeding specified in the notice within the time limited therefor, the Minister may thereupon cause all such things to be done as are necessary to construct the School including, but not limited to, the selection of a site, the appointment of an architect, the planning and design of the building, the obtaining of all necessary approvals and the tendering and contracting for the construction of the School.

(3) The expenses incurred by the Minister in taking any action or proceeding that the Minister is authorized to take under subsection 2 that are in excess of any moneys payable to the Board by way of grant by the Minister in respect of the construction of the School are a debt due to the Crown by the Board and may be recovered with costs, by action in a court of competent jurisdiction.

Expenses  
recoverable  
from  
Board

(4) The Minister, in exercising the powers conferred on him under subsection 2, may make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Use of  
services  
and  
facilities  
of  
ministries,  
etc.

(5) The Minister may in writing delegate to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions or requirements as the Minister sets out in his delegation, any of the powers conferred on the Minister under subsection 2.

Delegation  
of  
Minister's  
powers

5. The School that is constructed under this Act shall be conducted and maintained by the Board as a French-language secondary school in accordance with *The Education Act, 1974* and the regulations made thereunder.

Conduct  
of  
School  
1974, c. 109

6. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

7. This Act may be cited as *The Essex County French-language Secondary School Act, 1977*.

Short title







An Act to require The Essex County  
Board of Education to provide a  
French-language Secondary School

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*1st Reading*

April 14th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Government Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend The Labour Relations Act**

MR. STONG



#### EXPLANATORY NOTE

This Bill defines hospital pharmacists and establishes a bargaining unit of hospital pharmacists as an appropriate unit for collective bargaining.

BILL 32

1977

## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Labour Relations Act*, being <sup>s. 1 (1), amended</sup> chapter 232 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 76, section 1, is further amended by adding thereto the following clause:
 

(ha) "hospital pharmacist" means an employee who is <sup>1974, c. 47</sup> licensed as a pharmacist pursuant to *The Health Disciplines Act*, 1974 and employed in a hospital as defined in *The Hospital Labour Disputes Arbitration Act* in a professional capacity. <sup>R.S.O. 1970, c. 208</sup>
2. Section 6 of the said Act, as amended by the Statutes of <sup>s. 6, amended</sup> Ontario, 1975, chapter 76, section 3, is further amended by adding thereto the following subsection:
 

(5) A bargaining unit consisting solely of hospital pharmacists shall be deemed by the Board to be a unit of <sup>Hospital pharmacists</sup> employees appropriate for collective bargaining, but the Board may include hospital pharmacists in a bargaining unit with other employees if the Board is satisfied that a majority of such hospital pharmacists wish to be included in such bargaining unit.
3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
4. This Act may be cited as *The Labour Relations Amendment Act*, 1977. <sup>Short title</sup>

An Act to amend  
The Labour Relations Act

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*1st Reading*

April 14th, 1977

*2nd Reading*

*3rd Reading*

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MR. STONG

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*(Private Member's Bill)*



4B  
856

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

*Legislative Assembly*

*Publication*

**An Act respecting Certain Rights of  
Patients receiving Health Care Services in Ontario**

MR. DUKSZTA



#### EXPLANATORY NOTE

The purpose of this Bill is to declare and protect certain rights of medical patients in Ontario. The Bill is divided into three Parts.

Part I of the Bill is designed to protect the confidentiality of a patient's medical record. The Bill declares a general prohibition against disclosure of a medical record but allows for some exceptions to ensure proper treatment and care of the patient. A patient also has a right of access to his own medical record. A person who violates these provisions may be found guilty of professional misconduct in a disciplinary proceeding.

Part II of the Bill is designed to ensure that a patient is provided with adequate information about a proposed form of treatment before giving a written consent to the treatment. The information must be provided to the patient in order for a consent to be considered as an informed consent. When enacted, this Part would amend the existing procedure for providing written consents established by regulation under *The Public Hospitals Act*. It would also affect any other procedure where a written consent is required.

Part III of the Bill is designed to protect persons who are admitted to psychiatric facilities as involuntary patients under *The Mental Health Act*. This Part amends that Act by creating additional review procedures to protect a person from being detained unnecessarily as an involuntary patient. In addition, the duration of a certificate of renewal is reduced to ensure that a patient is examined on a frequent and regular basis by an independent physician while he is detained as an involuntary patient.

**An Act respecting  
Certain Rights of Patients receiving  
Health Care Services in Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "patient" means a person who is receiving or has received health care services administered by a physician or by a person on the medical staff of or employed by a health facility;

(b) "physician" means a person licensed under Part III of *The Health Disciplines Act, 1974*.

1974, c. 47

**PART I**

**THE RIGHT TO A CONFIDENTIAL RECORD**

**2.** In this Part,

Interpre-  
tation

(a) "administrator" means the person who has for the time being the direct and actual superintendence and charge of a health facility;

(b) "record" means any document, writing, diagram, chart, photograph, tape, statistical compilation or other material in which information or an opinion is recorded and preserved.

**3.**—(1) Notwithstanding any other Act or regulation, but subject to subsection 2, every record that is made by a person in the course of examination, diagnosis, treatment, or general health care of a patient is confidential as between that person and the patient, and no person shall disclose the record or a part thereof or otherwise make it available

Medical  
record is  
confidential

for examination, inspection or copying without the consent in writing of the patient.

Exceptions

(2) The consent referred to in subsection 1 is not required where the record is made available to,

- (a) a person who is involved in the direct health care of the patient if the record is required for the purpose of providing health care services to the patient;
- (b) an administrator and members of his staff if the record is required by statute or regulation for administrative purposes;
- (c) a spouse, parent, brother, sister or personal representative of the patient if the patient is deceased unless he has, in writing, directed otherwise;
- (d) the parent or guardian of the patient, if the patient is unmarried and under eighteen years of age; and
- (e) a person who is engaged in research if the record is part of a statistical compilation to be used for the purposes of research and the identity of the patient is not disclosed therein.

Where patient unable to consent

(3) Where the patient is unable to consent under subsection 1 by reason of mental or physical disability, the consent may be given by a spouse, parent, brother, sister or duly appointed committee.

Where patient is a minor

(4) Where the patient is unmarried and under eighteen years of age, the consent may be given by a parent or guardian of the patient.

Form and validity of consent

(5) A consent under subsection 2 shall,

- (a) describe the records to be disclosed;
- (b) name the person or persons to whom a record is available;
- (c) name the person or persons authorized to disclose the record; and
- (d) state the purpose of the disclosure,

and the consent takes effect upon being given to a person who is authorized to disclose the record.



4. A record mentioned in section 3 is open for examination by the patient in respect of whom it is made and no person shall refuse to permit a patient entitled thereto to examine such record or records, or copy or make extracts therefrom. Patient's right of access to medical record

5.—(1) For the purposes of a disciplinary proceeding brought under *The Health Disciplines Act, 1974*, or any other Act or regulation, a person who, contrary to this Act, discloses a record or part thereof or withholds a record from a patient who is entitled to its disclosure is guilty of professional misconduct. Professional misconduct 1974, c. 47

(2) A consent given under this Part by a person who had not attained the age of majority or was not mentally competent to consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority or was not mentally competent to consent, as the case may be. Direction deemed valid

6. Section 11 of *The Public Hospitals Act*, being chapter 378 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: R.S.O. 1970, c. 378, s. 11, re-enacted

11. The medical record compiled in a hospital for a patient or an out-patient is the property of the hospital and shall be kept in the custody of the administrator subject to the right of a patient or an out-patient under *The Patients' Rights Act, 1977*. Medical records 1977, c. ...

## PART II

### THE RIGHT TO INFORMATION BEFORE SIGNING A CONSENT TO TREATMENT

7.—(1) No written consent to a surgical operation, diagnostic procedure or other form of medical treatment is binding as an informed consent unless, prior to the signing of the consent, the person giving it has been provided with an information form signed by a physician setting forth, Information form concerning treatment

- (a) the nature of the patient's medical problem;
- (b) the advisability of treatment of the medical problem;
- (c) the objectives sought to be achieved by treatment of the medical problem;
- (d) the nature of the risks inherent in the chosen treatment; and

- (e) any alternative treatment that has been suggested to the patient and the risks inherent in such treatment.

Information  
must be com-  
prehensible

(2) The information furnished by the physician under subsection 1 shall be in a language that the person giving the consent can understand and shall describe the medical problem, treatment, and other matters of a medical nature in terms that are meaningful to him.

Information  
form is  
part of  
consent

8. Where a person signs a written consent to a surgical operation, diagnostic procedure or other form of medical treatment, a copy of the information form provided under section 7 signed by the physician and the person giving the consent shall be attached to the consent and thereafter forms a part thereof for the purposes of determining the validity of the consent.

### PART III

#### THE RIGHT OF DUE PROCESS FOR INVOLUNTARY PATIENTS

R.S.O. 1970,  
c. 269, s. 8 (5),  
repealed

9. Subsection 5 of section 8 of *The Mental Health Act*, being chapter 269 of the Revised Statutes of Ontario, 1970, is repealed.

ss. 8a, 8b,  
enacted

10. The said Act is amended by adding thereto the following sections:

Authority of  
application

8a.—(1) Subject to subsection 2, an application under section 8 is sufficient authority,

(a) to any person to convey the person who is the subject of the application to a psychiatric facility; and

(b) to the authorities thereof to admit and detain him therein for a period of not more than four days.

Person  
detained  
must be  
advised  
of rights

(2) No person who is the subject of the application shall be admitted and detained in the psychiatric facility until he is advised of his rights to review under this Act and his right to retain legal counsel.

Review by  
Attorney  
General

8b.—(1) A physician who completes an application under section 8 shall send a copy thereof immediately to the Attorney General and the Attorney General shall thereupon appoint a person or persons to make inquiry into all the

circumstances of the case and to advise him within 48 hours of the appointment whether, in the opinion of the person making the inquiry, there are reasonable and probable grounds for the application.

(2) The Attorney General may, at any time, order that the application is void and, where the person who is the subject of the application is detained, that he be released forthwith. Order voiding application

**11.** Section 13 of the said Act is repealed and the following substituted therefor: s. 13, re-enacted

13.—(1) Subject to subsection 4, the period of detention of an involuntary patient may be extended upon the completion of a certificate of renewal in the prescribed form by the attending physician after personal examination. Certificate of renewal

(2) A certificate of renewal is authority to detain the patient as follows: Authority of certificate of renewal

1. First certificate—not more than ten additional days.
2. Second certificate—not more than fourteen additional days.
3. Third certificate—not more than twenty-eight additional days.
4. Each subsequent certificate—not more than twenty-eight additional days.

(3) The attending physician shall not complete a certificate of renewal unless the patient, Conditions precedent to making of certificate of renewal

(a) suffers from mental disorder of a nature or degree so as to require further hospitalization in the interests of his own safety or the safety of others; and

(b) is not suitable to be continued as an informal patient.

(4) Where a period of detention is extended by a third or subsequent certificate of renewal, the involuntary patient shall be examined by a physician who is not on the staff of the psychiatric facility and where, in the opinion of the physician, the patient, Examination by outside psychiatrist

(a) does not suffer from mental disorder of a nature or degree so as to require hospitalization in the interests of his own safety or the safety of others; or

(b) is suitable for admission as an informal patient,

he shall forthwith communicate his decision to the review board and it shall conduct an inquiry as if an application was made to it under section 28.

Change of  
status where  
period of  
detention  
not expired

(5) An involuntary patient whose authorized period of detention has expired shall be deemed to be an informal patient.

Idem,  
where period  
of detention  
has not  
expired

(6) An involuntary patient whose authorized period of detention has not expired may be continued as an informal patient upon completion of the prescribed form by the attending physician.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Patients' Rights Act, 1977*.









An Act respecting Certain Rights  
of Patients receiving Health  
Care Services in Ontario

*1st Reading*

April 14th, 1977

*2nd Reading*

*3rd Reading*

MR. DUKSZTA

*(Private Member's Bill)*



1272  
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**BILL 34**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publication

**An Act to amend The Airports Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

*The Airports Act* presently reads as follows:

1. *In this Act,*

(a) "Minister" means the Minister of Transport;

(b) "municipality" includes a metropolitan municipality.

2.—(1) *The Crown in right of Ontario, represented by the Minister, may enter into agreements with the Government of Canada and any municipality, corporation or individual, or any one or more of them, with respect to any matter in relation to the establishment, extension, improvement or maintenance of airports to serve any one or more areas in Ontario.*

(2) *Any municipality may enter into agreements under subsection 1.*

3. *The Minister, with the approval of the Lieutenant Governor in Council, may provide funds to any municipality, corporation or individual for the purposes of acquiring by purchase, lease or otherwise any land or interest in land or any equipment, apparatus or thing that may be required for the establishment, extension, improvement or maintenance of any airport in respect of which an agreement has been entered into under section 2.*

4. *The Minister may acquire, establish, operate and maintain airports and landing grounds to serve any one or more areas in Ontario.*

5. *The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature.*

SECTIONS 2 AND 3. The new subsection 1 of section 2 of the Act,

(a) combines sections 2 (1) and 3 of the Act;

(b) clarifies that the subject-matter of an authorized agreement may include construction of or within an airport; and

(c) permits the subsidization of all matters which are part of an authorized agreement rather than only the acquisition of land or equipment.

SECTION 4. The new subsection 1 of section 4 of the Act clarifies the existing section 4 of the Act by adding the word "construct".

Subsections 2 and 3 of the new section 4 of the Act are self-explanatory.

## An Act to amend The Airports Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Airports Act*, being chapter 17 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (a),  
re-enacted

(a) "Minister" means the Minister of Transportation and Communications.

2. Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (1),  
re-enacted

(1) The Crown in right of Ontario, represented by the Minister, may enter into agreements with the Government of Canada, any municipality, corporation or individual, or any one or more of them, with respect to any matter in relation to the acquisition, establishment, extension, improvement, construction, operation or maintenance of airports to serve any one or more areas in Ontario, and the Minister, with the approval of the Lieutenant Governor in Council, may provide funds to the municipality, corporation or individual for such purposes. Authoriza-  
tion for  
agreements  
and  
provision  
of funds

3. Section 3 of the said Act is repealed. s. 3.  
repealed

4. Section 4 of the said Act is repealed and the following substituted therefor: s. 4,  
re-enacted

4.—(1) The Minister may acquire, establish, construct, operate and maintain airports and landing grounds to serve any one or more areas in Ontario. Power of  
Minister to  
establish  
airports

(2) The Minister may set apart any part of an airport or landing ground which is under his jurisdiction and control, or any building, premises or structure thereon, or any part Leasing of  
airport  
facilities

thereof, for a limited use and may lease the same at such rental and upon such terms and conditions as he considers proper.

Idem

(3) A lease under subsection 2 for a term of twenty-one years or longer is subject to the approval of the Lieutenant Governor in Council.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Airports Amendment Act, 1977*.









An Act to amend  
The Airports Act

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*1st Reading*

April 15th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

## An Act to amend The Public Vehicles Act

THE HON. J. W. SNOW  
Minister of Transportation and Communications



#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The Bill defines a “car pool vehicle”.

Subsection 2. Section 1 (g) of the Act defines “public vehicle”. The effect of the insertion is to exclude “car pool vehicles” from the definition of a public vehicle.

## An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Public Vehicles Act*, being chapter 392<sup>s. 1, amended</sup> of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is further amended by adding thereto the following clause:

(aa) “car pool vehicle” means a motor vehicle as defined in *The Highway Traffic Act*,<sup>R.S.O. 1970, c. 202</sup>

- (i) with a seating capacity of not more than twelve persons,
- (ii) while it is operated transporting no more than twelve commuters including the driver, none of whom pay for the transportation more frequently than on a weekly basis,
- (iii) that is not used by any one driver to transport commuters for more than one round trip per day, and
- (iv) the owner, or if the vehicle is subject to a lease, the lessee, of which does not own or lease another car pool vehicle unless he is the employer of a majority of the commuters transported in the vehicles,

but does not include a motor vehicle while being operated by or under contract with a school board or other authority in charge of a school for the transportation of children to or from school.

- (2) Clause *g* of the said section 1 is amended by inserting<sup>s. 1 (g), amended</sup> after “taxicabs” in the seventh line “car pool vehicles”.

s. 1 (i),  
amended

- (3) Clause *i* of the said section 1 is amended by inserting after “*Act*” in the second line “other than a car pool vehicle”.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Public Vehicles Amendment Act, 1977*.

Subsection 3. Section 1 (*i*) of the Act defines “taxicab”. The effect of the insertion is to exclude “car pool vehicles” from the definition of a taxicab.







An Act to amend  
The Public Vehicles Act

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*1st Reading*

April 15th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

B-56

**BILL 36**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to establish Electrical Service Areas in  
The Regional Municipality of Waterloo**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill restructures the municipal hydro-electric utilities within The Regional Municipality of Waterloo.

The area municipalities are organized into three electrical service areas. A hydro-electric commission is established for each area on the day the Act comes into force.

A transitional period is provided before the new commissions become fully operational.

The members of the commissions will include the mayors of the municipalities in the electrical service areas and certain additional members qualified as municipal electors in the more populous municipalities.

Customers within the area municipalities presently served by Ontario Hydro's rural retail power distribution system will be supplied with power by the new commissions.

Provision is made for the transfer of employees and the protection of their salaries and benefits.

BILL 36

1977

**An Act to establish  
Electrical Service Areas in  
The Regional Municipality of Waterloo**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means an area municipality within the meaning of *The Regional Municipality of Waterloo Act, 1972*; <sup>1972, c. 105</sup>
- (c) "electrical service area" means an electrical service area established by subsection 1 of section 2;
- (d) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act.

**2.—(1)** On the day this Act comes into force, in The <sup>Electrical  
service  
areas</sup> Regional Municipality of Waterloo,

- (a) the area within the area municipalities of the City of Waterloo, the Township of Wellesley and the



Township of Woolwich is established as an electrical service area;

- (b) the area within the area municipalities of the City of Kitchener and the Township of Wilmot is established as an electrical service area; and
- (c) the area within the area municipalities of the City of Cambridge and the Township of North Dumfries is established as an electrical service area.

Commissions  
established

(2) A hydro-electric commission for each of the electrical service areas established by subsection 1 is hereby established on the day this Act comes into force, and each commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* by the councils of the area municipalities comprising the electrical service area served by the commission acting in concert and a municipal commission within the meaning of *The Power Corporation Act*, and section 45 of *The Public Utilities Act* does not apply to the commissions.

R.S.O. 1970,  
c. 390

R.S.O. 1970,  
c. 354

Composition

(3) The commission for the electrical service area established by clause *a* of subsection 1 shall be known as the ESA-1 Hydro-Electric Commission and shall consist of the Mayor of the City of Waterloo, the Mayor of the Township of Woolwich, the Mayor of the Township of Wellesley, three additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Waterloo, and one additional member who is a qualified elector under *The Municipal Elections Act, 1972* in the Township of Woolwich.

1972, c. 95

Idem

(4) The commission for the electrical service area established by clause *b* of subsection 1 shall be known as the ESA-2 Hydro-Electric Commission and shall consist of the Mayor of the City of Kitchener, the Mayor of the Township of Wilmot, four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Kitchener, and one additional member who is a qualified elector under *The Municipal Elections Act, 1972* in the Township of Wilmot.

Idem

(5) The commission for the electrical service area established by clause *c* of subsection 1 shall be known as the ESA-3 Hydro-Electric Commission and shall consist of the Mayor of the City of Cambridge, the Mayor of the Township of North Dumfries, and three additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Cambridge.

(6) The name of a commission may be changed by resolution of the commission to a name commencing with the words "Hydro-Electric Commission of". Names of commissions

(7) The additional members in respect of each area municipality shall be appointed on or before the 1st day of October, 1977 by the council of the area municipality from the members of the hydro-electric commissions and public utility commissions distributing and selling power within that municipality on the day this Act comes into force, to serve for a term expiring with the 31st day of December, 1978. Additional members of first commissions

(8) For terms commencing after the 31st day of December, 1978, the additional members in respect of each area municipality shall be elected by a general vote of the electors of the area municipality, unless before the 1st day of January, 1978 the council of the area municipality provides by by-law that the additional member or members in respect of that area municipality shall be appointed by the council. Idem

(9) Members of the councils of the area municipalities comprising the electrical service area in respect of which a commission is established by this Act may be appointed as members of the commission, but the members of the councils shall not form a majority of the commission. Eligibility of members of council

(10) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(11) The council of an area municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. Delegates

(12) Where a vacancy in a commission occurs from any cause, the council of the area municipality in respect of which the person whose seat became vacant was elected or appointed shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected or appointed. Filling of vacancies

(13) Subject to the approval of Ontario Hydro, the salary or other remuneration of the commissioners shall from time to time be fixed by the council of the area municipality in respect of which they are elected or appointed, and the salary of the first commissioners shall be fixed on or before the 1st day of October, 1977 in an amount that does not exceed the highest salary paid to members of hydro-electric commissions and public utilities commissions operating in the Salary

- 1972, c. 105      Regional Area within the meaning of *The Regional Municipality of Waterloo Act, 1972* on the 1st day of January, 1977.
- Resignation      (14) A resignation from the council of a member of a council who is a member of a commission established by section 2 shall be deemed to be a resignation from both the commission and the council.
- Powers of commissions  
R.S.O. 1970, c. 390      **3.**—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of January, 1978, be exercised on behalf of the area municipalities comprising an electrical service area by the commission established by section 2 in respect of that electrical service area and not by the council of any area municipality or the council of The Regional Municipality of Waterloo or any other body.
- Idem  
R.S.O. 1970, c. 312      (2) Subject to subsection 4 and to any subsisting contracts for the supply of power to customers within the meaning of subsection 1 of section 37a of *The Ontario Energy Board Act*, on and after the 1st day of January, 1978, each commission established by section 2 has the sole right to supply power within its electrical service area, and, on behalf of the area municipalities within its electrical service area, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within its electrical service area, without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.
- R.S.O. 1970, c. 284      (3) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions established by section 2.
- Applica-  
tion of  
R.S.O. 1970, c. 354      (4) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions established by section 2.
- Direct customers      (4) Subject to the consent of a commission established by section 2, Ontario Hydro may supply power directly to customers within the electrical service area in respect of which the commission is established.
- Transitional      (5) Such management and control of works for the distribution and supply of power within the electrical service areas as are exercised by hydro-electric commissions, public utilities commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them

to and including the 31st day of December, 1977, but any of the assets, powers and responsibilities of such commissions may by agreement be transferred to a commission established by this Act.

(6) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in an electrical service area to the extent that they pertain to the distribution and supply of power in the electrical service area are assets under the control and management of and liabilities of the commission established by section 2 in respect of the electrical service area without compensation.

Transfer of  
assets and  
liabilities

(7) The trustees of the police village of Baden as it existed on the 31st day of December, 1972 shall be deemed to have been established as a hydro-electric commission for the police village of Baden under Part III of *The Public Utilities Act* and the commission is dissolved on the 2nd day of January, 1978.

Baden  
village  
trustees  
deemed  
commission  
R.S.O. 1970,  
c. 390

(8) Subject to subsection 4 and the regulations, each commission established by section 2 shall acquire, on behalf of the area municipalities comprising the electrical service area served by the commission, the retail distribution facilities within its electrical service area used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power including equipment leased by Ontario Hydro to retail customers within the electrical service area for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase of  
retail distri-  
bution  
facilities  
from  
Ontario  
Hydro

(9) If the price of the facilities referred to in subsection 8 has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to *The Arbitrations Act* in accordance with subsection 8 and the regulations and the decision of the arbitrator shall not be subject to appeal.

Where price  
to be deter-  
mined by  
arbitration  
R.S.O. 1970,  
c. 25

4.—(1) All real property transferred pursuant to section 3 to the control and management of a commission established by this Act or otherwise acquired by or for the commission, shall be taken and held by the commission in trust for the area municipalities comprising the electrical service area served by the commission.

Vesting  
of real  
property



Disposition  
of real  
property

(2) Where a commission established by this Act is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and area municipalities comprising the electrical service area served by the commission, it may be disposed of as follows:

1. In the event that the area municipality in which the real property is located wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality in which the real property is located does not wish to retain the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the area municipalities comprising the electrical service area, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing  
1972, c. 105

**5.**—(1) Except as otherwise provided in this Act, sections 122, 133 to 135 and 137 to 155 of *The Regional Municipality of Waterloo Act, 1972* apply, with necessary modifications, to any borrowing for the purposes of a commission established by this Act.

Request

(2) Subject to the approval of Ontario Hydro, a commission established by section 2 may request the area municipalities comprising the electrical service area in respect of which the commission is established to approve the borrowing of money and the councils of the area municipalities shall approve or disapprove the borrowing within thirty days of the making of the request.

Approval

(3) Notwithstanding the failure or refusal of the council of an area municipality in an electrical service area in



respect of which a commission is established to approve a proposed borrowing, where one or more area municipalities whose equalized assessment is in the aggregate more than 50 per cent of the equalized assessment of the electrical service area approve the proposed borrowing, the area municipalities comprising the electrical service area that approve the proposed borrowing shall apply to the Ontario Municipal Board for approval of the proposed borrowing on behalf of all the area municipalities comprising the electrical service area.

(4) Notwithstanding the failure or refusal of an area municipality to approve a borrowing under this section and subject to section 36 of *The Public Utilities Act*, each area municipality within an electrical service area is liable for such proportion of the payments required to be made on account of any borrowing under this section as the equalized assessment of the municipality bears to the equalized assessment of the electrical service area.

Responsibility of area municipalities  
R.S.O. 1970, c. 390

**6.**—(1) Each commission established by section 2 shall file annually with the council of each area municipality in the electrical service area served by the commission a statement of the affairs of the commission and its capital borrowing forecast.

Financial statements

(2) The accounts of each commission established by section 2 shall be audited by such of the auditors of the area municipalities comprising the electrical service area served by the commission as may be jointly appointed by identical by-laws of the councils of the area municipalities.

Auditors

**7.**—(1) In this section, “transfer date”, when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Interpretation

(2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the electrical service areas and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the electrical service areas on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions established by section 2 shall offer employment to the employees so designated.

Transfer of employees

Wages or  
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-  
pation in  
O.M.E.R.S.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* and the regulations under that Act apply to such person as a member of the System.

R.S.O. 1970,  
c. 324

Supple-  
mentary  
agreements

(5) Where a person who accepts employment under this section with a commission established by section 2 is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an electrical service area and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission.

Transfer of  
pension  
credits from  
Ontario  
Hydro plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Idem

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there were no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer. <sup>Group life insurance</sup>

(9) On or before the 31st day of December, 1979, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date. <sup>Idem</sup>

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the employee shall receive allowance or credit for any accrued sick leave rights or benefits. <sup>Sick leave</sup>

(11) The commissions established by section 2 shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the electrical service areas by public utilities commissions and municipal hydro-electric commissions. <sup>Life insurance provided to pensioners</sup>

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. <sup>Termination for cause</sup>

Special  
circum-  
stances

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution  
of existing  
commissions  
1972, c. 105

**8.** For the purposes of section 178 of *The Regional Municipality of Waterloo Act, 1972*, the 2nd day of January, 1978 is the date determined and designated by the Minister, and on that date the municipal hydro-electric commissions and public utilities commissions referred to therein, except the Elmira Public Utilities Commission, are dissolved and the by-laws establishing them passed pursuant to section 38 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

R.S.O. 1970,  
c. 390

Regulations

**9.** The Lieutenant Governor in Council may make regulations,

- (a) for the purposes of subsection 8 of section 3 in respect of,
  - (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
  - (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
  - (iii) the method of determining the amount of any component of the accumulated net retail equity,
  - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
  - (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
  - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
  - (vii) the method of payment of the price of the facilities;

- (b) for the purposes of subsection 7 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

**10.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**11.** This Act may be cited as *The Waterloo Electrical* <sup>Short title</sup>  
*Service Areas Act, 1977.*







An Act to establish Electrical  
Service Areas in The Regional  
Municipality of Waterloo

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*1st Reading*

April 18th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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4B  
-B 56

Government  
Publication

**BILL 37**

**Private Member's Bill**

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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

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**An Act to amend The Ontario Human Rights Code**

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MR. NEWMAN  
(Windsor-Walkerville)

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#### EXPLANATORY NOTE

The purpose of the Bill is to prevent discrimination on the basis of a physical handicap.

BILL 37

1977

## An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being <sup>Preamble amended</sup> chapter 318 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 119, section 1, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
2. Subsection 1 of section 1 of the said Act, as amended by the <sup>s. 1 (1), amended</sup> Statutes of Ontario, 1972, chapter 119, section 2, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
3. Subsection 1 of section 2 of the said Act, as amended by the <sup>s. 2 (1), amended</sup> Statutes of Ontario, 1972, chapter 119, section 3, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
4. Subsection 1 of section 3 of the said Act, as re-enacted by the <sup>s. 3 (1), amended</sup> Statutes of Ontario, 1972, chapter 119, section 4, is amended by inserting after "sex" in the eleventh line "a physical handicap".
- 5.—(1) Subsection 1 of section 4 of the said Act, as re-enacted <sup>s. 4 (1), amended</sup> by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after "status" in the twenty-second line "a physical handicap".
  - (2) Subsection 2 of the said section 4 is amended by <sup>s. 4 (2), amended</sup> inserting after "status" in the fifth line "a physical handicap".
  - (3) Subsection 3 of the said section 4 is amended by <sup>s. 4 (3), amended</sup> inserting after "status" in the ninth line "a physical handicap".

s. 4 (5),  
amended

- (4) Subsection 5 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".

s. 4,  
amended

- (5) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection:

Exception

- (6a) The provisions of this section do not apply where the nature or extent of the physical handicap would reasonably preclude the performance of the particular employment.

s. 4 (7),  
amended

- (6) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".

s. 4a (1),  
amended

- 6.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "a physical handicap".

s. 4a (2),  
amended

- (2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical handicap".

s. 6a,  
amended

7. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical handicaps".

s. 9 (a, c),  
amended

8. Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical handicaps".

s. 19,  
amended

9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause:

- (ha) "physical handicap" means a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness and includes epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a seeing eye dog, wheelchair, or other remedial appliance or device.



- 10.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 11.** This Act may be cited as *The Ontario Human Rights Code* Short title  
*Amendment Act, 1977.*





An Act to amend  
The Ontario Human Rights Code

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*1st Reading*

April 18th, 1977

*2nd Reading*

*3rd Reading*

---

MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

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XB  
-B 56

**BILL 38**

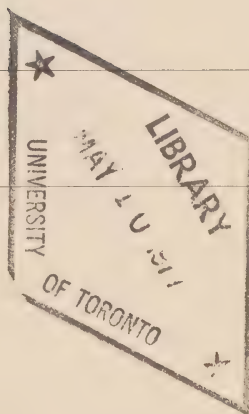
Private Member's Bill

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publication

**An Act respecting Toxic and Hazardous Substances**

MR. LEWIS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is,

- (1) to require that every new substance or new process be tested for toxic or hazardous characteristics by an independent research organization before it is introduced into the work place.
- (2) to enable the Minister of Labour to require any substance or process already in use be tested for toxic or hazardous characteristics by an independent research organization when the effect on the health of the employees is in question.
- (3) where toxic or hazardous characteristics are found through the testing procedure, the Minister can prohibit, severely limit or place conditions on its introduction.
- (4) to require an annual audit of the use by amount of toxic or hazardous substances and mixtures in each work place.

BILL 38

1977

## An Act respecting Toxic and Hazardous Substances

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Minister" means the Minister of Labour;
- (b) "substance" means any solid, liquid, gaseous or other substance or any component thereof and includes any combination, blending or mixture of substances;
- (c) "process" means any chemical, mechanical, electrical, catalytic or other process or any component thereof and includes any combination of chemical, mechanical, electrical, catalytic or other processes;
- (d) "new substance" means any substance not in commercial use on or before the date this Act comes into force;
- (e) "new process" means any process not in commercial use on or before the date this Act comes into force;
- (f) "manufacturer" includes any enterprise engaged in the use, distribution or sale of any substance or process, whether manufactured, purchased or imported in whole or in part by the enterprise;
- (g) "research organization" includes any independent research organization approved by the Minister.

- 2.** No manufacturer shall use, distribute or sell any new substance or new process, whether manufactured, pur-

Minister  
must approve  
new sub-  
stance or  
process



chased or imported in whole or in part by the manufacturer without the approval of the Minister.

Notice to  
Minister

**3.** A manufacturer who proposes to use, distribute or sell a new substance or a new process, whether manufactured, purchased or imported in whole or in part by the manufacturer, shall give notice of intention in writing to the Minister in the prescribed form.

Power of the  
Minister to  
approve or  
order tests

**4.** The Minister upon receiving any notice of intention shall,

- (a) approve the use, distribution or sale of the new substance or new process whether manufactured, purchased or imported in whole or in part by the manufacturer, which is known to the Minister to be non-toxic or otherwise non-hazardous to any employee in a workplace; or
- (b) designate the research organization to test the new substance or new process whether manufactured, purchased or imported in whole or in part by the manufacturer which is not known to the Minister to be non-toxic or otherwise non-hazardous to any employee in a workplace.

Research  
organization  
to undertake  
testing

**5.—**(1) The research organization designated by the Minister under section 4 (b) to test the new substance or new process shall undertake the prescribed tests and shall report to the Minister and to the manufacturer,

- (a) the results of the tests; and
- (b) the conclusions about the extent to which the new substance or new process is toxic or otherwise hazardous to human beings; and
- (c) the recommendations about the use, distribution or sale of the new substance or new process and the conditions of its use, distribution or sale.

Costs of  
testing

(2) The reasonable costs incurred by the research organization designated under section 4 (b) for testing the new substance or new process and reporting thereon to the Minister and the manufacturer shall be borne by the manufacturer.

Where  
Minister may  
give approval

**6.—**(1) Where the results of the tests provided for in section 4 (b) indicate that the new substance or new process is not likely to be toxic or otherwise hazardous to the

health of any employee in a work place, the Minister may forthwith approve the use, distribution or sale of the new substance or process.

(2) Where the results of the tests provided for in section 4 (b) indicate that the new substance or new process may be toxic or otherwise hazardous to the health of any employee in a work place, the Minister shall make such order as, in his opinion, is necessary to provide for the safety of such employees including one or more of the following, Where Minister may limit use of substance

- (a) prohibiting the use, distribution or sale of the new substance or new process;
- (b) limiting the use, distribution or sale of the new substance or new process to a particular amount, use, concentration or emission level; or
- (c) requiring that the new substance or new process be marked with or accompanied by clear warnings and instructions concerning its use and disposal.

7. Notwithstanding that a substance or process was in use, distributed or sold before this Act came into force, or has been approved by the Minister under this Act, the Minister may order tests on any substance or process where, in the opinion of the Minister, such testing or further testing is required in the interests of the safety of employees in contact with the substance or process, and where such tests are ordered under this section, the provisions of this Act apply *mutatis mutandis* to the substance or process as if it were a new substance or new process. Additional power of Minister to order tests

8. Every manufacturer shall prepare and file an annual report in prescribed form in respect of the use of substances and processes with toxic or hazardous characteristics. Annual report

9. Nothing in this Act shall be construed to alter or affect the liability and obligation of the manufacturer as now exists in law. Civil liability as not affected

10.—(1) Every person who, Offence

- (a) contravenes any of the provisions of this Act;
- (b) fails to comply with an order made under this Act;  
or
- (c) contravenes any provision of the regulations,

and every director or officer who knowingly concurs in such contravention or failure is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

**Idem** (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$100,000 and not as provided therein.

**Regulations** **11.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing tests to be carried out on new substances or new processes;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-  
ment** **12.** This Act comes into force on the day it receives Royal Assent.

**Short title** **13.** This Act may be cited as *The Toxic and Hazardous Substances Act, 1977*.



An Act respecting  
Toxic and Hazardous Substances

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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MR. LEWIS

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*(Private Member's Bill)*

1-30  
x 13  
-B56

**BILL 39**

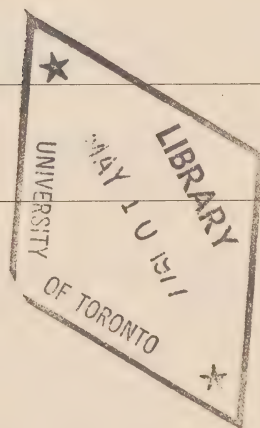
**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Print

**An Act to prohibit  
Discrimination in Business Transactions**

MR. GROSSMAN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

The Bill is designed to protect a business against discrimination in its business dealings on the basis of the race, creed, colour, marital status, nationality, ancestry or place of origin of its directors, shareholders and personnel. The protection against these types of discrimination is also extended to individual persons working in a business environment.

BILL 39

1977

## An Act to prohibit Discrimination in Business Transactions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970,  
c. 113
- (b) "person" includes a partnership, sole proprietorship, unincorporated association, and governmental agency;
- (c) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

**2.** For the purposes of this Act, the following shall be deemed to be discriminatory business practices,

Discrimi-  
natory  
business  
practices

- (a) a refusal to sell goods and services to, buy goods and services from or otherwise carry on business with another person because of the race, creed, colour, marital status, nationality, ancestry or place of origin of such person or of its directors, officers, shareholders, employees, associates or members;
- (b) a refusal to sell goods and services to, buy goods and services from or otherwise carry on business with another person because of the race, creed, colour, marital status, nationality, ancestry, or place of origin of a supplier, customer or other person in a lawful business relationship with such person or of the directors, officers, shareholders, employees, associates or members of that supplier, customer or other person;

- (c) the making of a contract that includes a provision that one party shall make a refusal referred to in clause *a* or *b* in respect of a person or class of persons not or party to the contract as a condition to doing business with the other party.

Discrimi-  
natory  
business  
practices  
prohibited

**3.—**(1) No person shall engage in a discriminatory business practice.

information  
prohibited

(2) No person shall provide any information in relation to the race, creed, colour, marital status, nationality or place of origin of that person or its directors, officers, shareholders, employees, associates, members, suppliers, customers, or other persons with whom it maintains a lawful business relationship as a condition to doing business with another person.

Order to cease  
discrimina-  
tory business  
practice

**4.—**(1) Where the Director has reasonable cause to believe that a person is engaging (or has engaged) in a discriminatory business practice, the Director may order such person to comply with section 3 in respect of the discriminatory practice or practices specified in the order.

Notice of  
order

(2) Where the Director makes an order under subsection 1, he shall serve each person named in the order with a copy of the order together with written reasons therein.

Request for  
hearing

(3) Each person named in an order may require a hearing by the Tribunal if he mails or delivers within fifteen days after receiving the order under subsection 2 notice in writing requiring a hearing to the Director and the Tribunal.

Hearing

(4) Where a person named in an order requires a hearing by the Tribunal under subsection 3, the Tribunal shall appoint a time for and hold the hearing and may confirm or set aside the order or make such order as the Tribunal considers the Director ought to take in accordance with this Act and for such purposes the Tribunal may substitute its opinion for that of the Director.

Effect  
of order

(5) An order of the Director shall take effect immediately, but the Tribunal may grant a stay until the completion of the hearing.

Investiga-  
tion by the  
Director

**5.** Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person is contravening a provision of this Act, the Director may by order appoint one or more persons to make an investigation as to whether such a contravention of the Act has occurred and section 11 of *The Business Practices Act, 1974* applies *mutatis mutandis* in respect of such investigation.

1974, c. 131

**6.** A provision in a contract that provides for a matter <sup>Contractual provision</sup> that is a discriminatory business practice under this Act is null and void and is severable from the contract.

**7.—(1)** Every person who contravenes section 3 or fails <sup>Offence</sup> to comply with an order made under section 3 and every director or officer of a corporation who knowingly concurs in such contravention or failure to comply is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

**(2)** Where a corporation is convicted of an offence under <sup>Corporation</sup> subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
ment

**9.** This Act may be cited as *The Discriminatory Business* <sup>Short title</sup>  
*Practices Prohibition Act, 1977.*







An Act to prohibit  
Discrimination in Business Transactions

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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MR. GROSSMAN

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*(Private Member's Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to amend The Income Tax Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1.—Subsections 1 and 2. Subsection 3 of section 3 now reads as follows:

- (3) *For the purposes of this section, the percentage of the tax payable under the Federal Act to be used for computing the tax payable under this section is,*
- (a) *16 per cent in respect of the 1962 taxation year;*
  - (b) *17 per cent in respect of the 1963 taxation year;*
  - (c) *18 per cent in respect of the 1964 taxation year;*
  - (d) *21 per cent in respect of the 1965 taxation year;*
  - (e) *24 per cent in respect of the 1966 taxation year;*
  - (f) *28 per cent in respect of the 1967, 1968, 1969 and 1970 taxation years;*
  - (g) *27.5 per cent in respect of the 1971 taxation year; and*
  - (h) *30.5 per cent in respect of the 1972, 1973, 1974, 1975, 1976 and 1977 taxation years.*

The amendments provide a new rate of income tax for the 1977 taxation year which is intended to increase the Province's share of the total income tax payable by a resident of Ontario to Canada and to Ontario. Income tax payable to Canada will decrease under arrangements made between the Province and the Federal Government and the increased rate proposed by the amendment will transfer to Ontario the reduction in Canada's share of the total personal income tax payable.

Subsection 3. Subclause ii of clause b of section 3 (6) now reads as follows:

- (ii) *the taxpayer's income,*
- (A) *for the year, if section 114 of the Federal Act is not applicable, or*
  - (B) *if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph a thereof,*
- minus any amounts deductible under clause b of subsection 1 of section 111 or section 112 of the Federal Act for the year or such period or periods, as the case may be.*

These amendments are consequential to changes made in the Federal Act by Federal Bill C-22, which was assented to on February 24, 1977. The words added are intended, firstly, to clarify the application of subclause ii to income earned in Ontario, and secondly, to add a reference to section 110.1 of the Federal Act so that a taxpayer's deduction for eligible interest and dividends will not reduce his claim for a foreign tax credit against income tax.

## An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *g* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is amended by striking out “and” in the second line. s. 3 (3) (g),  
amended
- (2) Clause *h* of subsection 3 of the said section 3, as re-enacted s. 3 (3) (h),  
re-enacted by the Statutes of Ontario, 1976, chapter 81, section 1, is repealed and the following substituted therefor:
  - (h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years; and
  - (i) 44 per cent in respect of the 1977 taxation year.
- (3) Subclause ii of clause *b* of subsection 6 of the said section s. 3 (6) (b) (ii),  
amended 3, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3 and amended by the Statutes of Ontario, 1976, chapter 12, section 1, is further amended,
  - (a) by inserting after “income” in the first line “earned in Ontario”; and
  - (b) by striking out “clause” in the tenth line and inserting in lieu thereof “section 110.1 or paragraph”.
2. Subsection 2 of section 5 of the said Act, as amended by the s. 5 (2),  
re-enacted Statutes of Ontario, 1971 (2nd Session), chapter 1, section 5, is repealed and the following substituted therefor:
  - (2) Subsection 1 applies only in the case of an individual Application  
of subs. 1 whose chief source of income throughout the averaging period was from farming or fishing.

s. 6a,  
amended

3. Section 6a of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 12, section 2, is amended by striking out "\$1,534" in the second line and inserting in lieu thereof "\$1,680".

s. 10 (1),  
amended

- 4.—(1) Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 10, is further amended by adding thereto the following clause:

1970-71-72,  
c. 229 (Can.)

(da) an amount as a benefit under the *Unemployment Insurance Act, 1971* (Canada).

s. 10 (1),  
amended

- (2) Subsection 1 of the said section 10 is further amended by striking out "or" at the end of clause *g* and by adding thereto the following clauses:

R.S.C. 1970,  
c. A-2

(i) an adult training allowance under the *Adult Occupational Training Act* (Canada);

(j) a payment out of or under a registered retirement savings plan or a plan referred to in subsection 12 of section 146 of the Federal Act as an amended plan; or

(k) an amount as, on account of, or in lieu of payment of, or in satisfaction of proceeds of the surrender, cancellation or redemption of an income averaging annuity contract,

. . . . .

Commence-  
ment

- 5.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsections 1 and 2 of section 1 and section 3 shall be deemed to have come into force on the 1st day of January, 1977.

Idem

- (3) Subsection 3 of section 1 shall be deemed to have come into force on the 1st day of January, 1976 and applies to the 1976 and subsequent taxation years.

Short title

6. This Act may be cited as *The Income Tax Amendment Act, 1977*.

SECTION 2. Subsection 2 of section 5 now reads as follows:

- (2) *Subsection 1 applies only in the case of an individual who,*
- (a) throughout the averaging period,*
    - (i) resided in Ontario, and*
    - (ii) did not carry on a business with a permanent establishment (which, in this subsection, has the meaning given to that expression under the regulations made pursuant to section 120 of the Federal Act) outside Ontario; or*
  - (b) throughout the averaging period,*
    - (i) resided outside Ontario, and*
    - (ii) had no income other than his income from the carrying on of a business with a permanent establishment in Ontario and nowhere else.*

The re-enactment provides that the income averaging provisions for farmers and fishermen apply, with respect to Ontario income tax, where the taxpayer has carried on farming, or fishing during the averaging period in a province other than Ontario. The repealed subsection 2 applied only if the farmer or fisherman, during the averaging period, carried on business in Ontario. The re-enactment will provide that the income-averaging provisions are available to a farmer or fisherman regardless of where he carried on business or in what province he resided so long as his chief source of income, during the averaging period, is from farming or fishing. This will give the same basis of averaging liability to Ontario's personal income tax as is available to a farmer or fisherman in averaging his liability to federal income tax.

SECTION 3. The effect of the amendment is to increase to \$1,680 the level of taxable income below which no Ontario income tax is payable.

SECTION 4. Subsection 1 of section 10 now reads as follows:

- (1) *Every person paying,*
- (a) salary or wages or other remuneration to an officer or employee;*
  - (b) a superannuation or pension benefit;*
  - (c) a retiring allowance;*
  - (d) an amount upon or after the death of an officer or employee, in recognition of his services, to his legal representative or widow or to any other person whatsoever;*
  - (e) an amount as a benefit under a supplementary unemployment benefit plan;*
  - (f) an annuity payment;*
  - (g) fees, commissions or other amounts for services; or*
  - (h) a payment under a deferred profit-sharing plan or a plan referred to in section 147 of the Federal Act as a revoked plan,*



*at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the payee's tax for the year under this Act.*

These amendments are required to bring the provincial Act into conformity with the federal *Income Tax Act*. They will require deductions at source to be made with respect to unemployment insurance benefits, adult training allowances, and lump sum payments under registered retirement savings plans and income averaging annuity contracts. The changes reflect amendments recently made to the Federal Act.



An Act to amend  
The Income Tax Act

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to amend  
The Ontario Unconditional Grants Act, 1975**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1. The sections being re-enacted as they presently read are set out below, showing underlined the per capita and other sums that will be increased.

3. *In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows:*

1. \$9 per capita.
2. An amount per capita in accordance with Schedule 1 based on the density of each area municipality.
3. \$12 per capita where a regional municipality is deemed to be a city for the purposes of The Police Act.
4. \$8 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with The Police Act.

4. *In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of,*

- (a) \$9;
- (b) the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;
- (c) \$12 where a regional municipality is deemed to be a city for the purposes of The Police Act; or
- (d) \$8 in relation to each area municipality to which paragraph 4 of section 3 applies.

**An Act to amend  
The Ontario Unconditional Grants Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 3 and 4 of *The Ontario Unconditional Grants Act*, ss. 3, 4, 1975, being chapter 7, are repealed and the following substituted therefor:

3. In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows:

1. \$10 per capita.
2. An amount per capita in accordance with Schedule 1 based on the density of each area municipality.
3. \$15 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. Per capita grants  
R.S.O. 1970,  
c. 351
4. \$10 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

4. In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of,

- (a) \$10;
- (b) the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;

R.S.O. 1970,  
c. 351

(c) \$15 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; or

(d) \$10 in relation to each area municipality to which paragraph 4 of section 3 applies.

s. 5 (3),  
re-enacted

2. Subsection 3 of section 5 of the said Act is repealed and the following substituted therefor:

Idem

(3) In each year, payments of \$10 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

s. 6 (3),  
repealed

3. Subsection 3 of section 6 of the said Act is repealed.

s. 7 (4),  
repealed

4. Subsection 4 of section 7 of the said Act is repealed.

s. 8,  
re-enacted

5. Section 8 of the said Act is repealed and the following substituted therefor:

Transitional  
grants

8. The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order, upon such terms and conditions as he considers appropriate, provide for payments to be made,

(a) to any regional municipality or lower tier municipality affected by an amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and

(b) to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.

s. 9,  
re-enacted

6. Section 9 of the said Act is repealed and the following substituted therefor:

Resource  
equalization  
grants

9. In each year there shall be paid a resource equalization grant to each lower tier municipality whose equalized assessment per capita in the preceding year is below \$10,650, or such other amount as may be prescribed, in an amount based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to \$10,650 as applied to the net levy of the lower tier municipality.



SECTION 2. The effect of the re-enactment is to increase from \$8 to \$10 the per capita payments to each municipality that maintains its own police force or is under contract for policing by the Ontario Provincial Police Force.

SECTION 3. The subsection presently reads as follows:

- (3) *There shall be paid to each municipality set out in column 1 of Schedule 3,*
- (a) *in the year 1975, the sum set opposite the name of the municipality in column 2; and*
- (b) *in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.*

Providing as it does for certain payments to municipalities in the years 1975 and 1976 only, the subsection is being repealed as spent.

SECTION 4. The subsection presently reads as follows:

- (4) *Where in 1975 in any lower tier municipality, the mill rates that would have been levied on residential and farm property for all purposes, other than school purposes, would increase more than 5 per cent over the mill rates which would have been levied on such property had the method of calculating such mill rates not changed, the Minister may, by order, make a grant to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.*

Similar in intent to section 3 of the Bill; the provision is repealed as spent.

SECTION 5. Section 8 presently reads as follows:

8. *The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order, upon such terms and conditions as he considers appropriate, provide for payments to be made,*

- (a) *to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality therein for a period not exceeding five years from the 23rd day of July, 1971;*
- (b) *to any other regional municipality or lower tier municipality affected by any amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and*
- (c) *notwithstanding clause a, to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.*

The effect of the re-enactment is to repeal the present clause *a* as spent; minor consequential amendments to the present clauses *b* and *c* (now to appear as clauses *a* and *b*) are indicated by the underlining of the words to be deleted.

SECTION 6. The effect of the re-enactment is to increase from \$10,400 to \$10,650 the equalized assessment per capita of a municipality as the basis of qualification for a resource equalization grant.

SECTION 7. Subsection 3 of section 10 as it presently reads, showing underlined the words to be deleted, is set out below; applying as it does to the year 1975 only, the provision is spent.

- (3) *In each year, the clerk of every lower tier municipality that received a resource equalization grant in the preceding year shall provide, on or before the 1st day of April, to the upper tier municipality, a statement of the amount of the resource equalization grant in respect of the preceding year and the amount to be added to the equalized assessment of the municipality under subsection 1, provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant.*

SECTION 8. Subsection 2 of section 11 as it presently reads, showing underlined the words to be deleted, is set out below:

- (2) *For the purposes of subsection 1, the portion shall be the ratio of taxes levied on commercial assessment in the preceding year for the upper tier municipality to the total taxes levied on commercial assessment in the preceding year for all purposes, other than school purposes, provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes.*

The provision applies to the year 1975 only and accordingly is spent.

SECTION 9. The subsection to be repealed reads as follows:

- (2) *In the case of the County of Oxford, a preliminary apportionment may be made in 1975 notwithstanding section 10 and an adjustment to that apportionment shall be made when the amount of the 1975 resource equalization grant entitlement for all area municipalities in the County is determined.*

It is repealed as applying to the year 1975 only, and accordingly is spent.

SECTION 10. Section 14 reads as follows:

- 14.—(1) *In the case of the County of Oxford, in 1975, and for the purposes of section 10, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in 1975 by the taxation of real property at the mill rate determined by dividing the total estimated taxes levied by the lower tier municipality in 1975 for all purposes other than school purposes on commercial assessment for 1975 by the total equalized commercial assessment for 1975, times 1,000.*
- (2) *In determining the taxes levied on commercial assessment under subsection 1, there shall be excluded the taxes added to the collector's roll under section 43 of The Assessment Act and the assessment on which such taxes are based.*

Applying to the year 1975 only, it is repealed as spent.

7. Subsection 3 of section 10 of the said Act is amended by striking out “provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant” in the seventh, eighth, ninth and tenth lines. s. 10 (3),  
amended
8. Subsection 2 of section 11 of the said Act is amended by striking out “provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes” in the fifth, sixth and seventh lines. s. 11 (2),  
amended
9. Subsection 2 of section 13 of the said Act is repealed. s. 13 (2),  
repealed
10. Section 14 of the said Act is repealed. s. 14,  
repealed
11. Sections 16 and 17 of the said Act are repealed and the following substituted therefor: ss. 16, 17,  
re-enacted
16. In each year there shall be paid a special support grant of 18 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario. Special  
support  
grant
17. In each year there shall be paid to the Township of Chisholm, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 9 per cent, or such other percentage as may be prescribed, of the net levy of such municipality. Idem
- 12.—(1) Schedule 2 to the said Act is repealed and the following substituted therefor: Sched. 2,  
re-enacted

## SCHEDULE 2

POPULATION RANGE	RATE OF GRANT
0 – 5,000	\$7.00 × (Pop.)
5,001 – 10,000	\$ 35,000 + \$7.40 × (Pop. over 5,000)
10,001 – 15,000	\$ 72,000 + \$7.60 × (Pop. over 10,000)
15,001 – 20,000	\$ 110,000 + \$7.80 × (Pop. over 15,000)
20,001 – 25,000	\$ 149,000 + \$8.00 × (Pop. over 20,000)
25,001 – 50,000	\$ 189,000 + \$8.20 × (Pop. over 25,000)
50,001 – 75,000	\$ 394,000 + \$8.40 × (Pop. over 50,000)
75,001 – 100,000	\$ 604,000 + \$8.60 × (Pop. over 75,000)
100,001 – 200,000	\$ 819,000 + \$8.80 × (Pop. over 100,000)
200,001 or more	\$1,699,000 + \$9.00 × (Pop. over 200,000)

- (2) Schedule 3 to the said Act is repealed. Sched. 3,  
repealed

Commence-  
ment

**13.** This Act shall be deemed to have come into force on the 1st day of January, 1977.

Short title

**14.** This Act may be cited as *The Ontario Unconditional Grants Amendment Act, 1977*.

SECTION 11. The sections being re-enacted as they presently read are set out below showing underlined the percentages applicable to a special support grant that will be increased to 18 per cent and 9 per cent respectively.

16. *In each year there shall be paid a special support grant of 15 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario.*

17. *In each year there shall be paid to the Township of Chisholm, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 7.5 per cent, or such other percentage as may be prescribed, of the net levy of such municipality.*

SECTION 12.—Subsection 1. Schedule 2 now reads as follows:

#### SCHEDULE 2

<i>Population Range</i>	<i>Rate of Grant</i>
0 — 5,000	\$6.00 × (Pop.)
5,001 — 10,000	\$ 30,000 + \$6.40 × (Pop. over 5,000)
10,001 — 15,000	\$ 62,000 + \$6.60 × (Pop. over 10,000)
15,001 — 20,000	\$ 95,000 + \$6.80 × (Pop. over 15,000)
20,001 — 25,000	\$ 129,000 + \$7.00 × (Pop. over 20,000)
25,001 — 50,000	\$ 164,000 + \$7.20 × (Pop. over 25,000)
50,001 — 75,000	\$ 344,000 + \$7.40 × (Pop. over 50,000)
75,001 — 100,000	\$ 529,000 + \$7.60 × (Pop. over 75,000)
100,001 — 200,000	\$ 719,000 + \$7.80 × (Pop. over 100,000)
200,001 or more	\$ 1,499,000 + \$8.00 × (Pop. over 200,000)

The effect of the re-enactment is to increase the amount of grants paid to municipalities on the basis of population by an across-the-board amount of \$1 per capita.

Subsection 2. Complementary to section 3 of the Bill; the Schedule being repealed sets out certain named municipalities and the amount of grants payable to them in the years 1975 and 1976.







An Act to amend  
The Ontario Unconditional Grants  
Act, 1975

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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B  
B 56

**BILL 42**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**Government  
Publications**

**An Act to amend The Succession Duty Act**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

### GENERAL

In accordance with the Treasurer's Budget, the amendments proposed in this Bill provide that the duty-free threshold for estates is raised from \$250,000 to \$300,000. As well, the additional rate will not apply to receipts by an individual of \$300,000 or less. The amendment provides that capital gains tax arising from the deemed disposition at death provisions of the *Income Tax Act* (Canada) may be fully credited against succession duty payable, rather than deducted from aggregate value as a debt of the estate, at the election of the executor. Provision is made for release of new classes of property without the consent of the Minister of Revenue.

SECTION 1.—Subsections 1 and 2. The repeal of clauses *bb* and *cc* of subsections 1 and 5 of section 7 of the Act result in increasing the minimum value of the dutiable estate passing to the preferred and the collateral beneficiaries from \$250,000 to \$300,000.

Subsection 3. The amendment serves to increase the deduction allowed in computing the aggregate value of an estate from \$250,000 to \$300,000.

Subsection 4. The amendment alters the notch provision contained in section 7 (8) (c) (i) to increase the value to be deducted from the aggregate value of the estate from \$250,000 to \$300,000.

SECTION 2. The amendment adds subsection 6*a* to section 10 of the Act and permits the classes of property that may be disposed of or transferred without the Minister's consent to be broadened by regulation.

## An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *bb* of subsection 1 of section 7 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed. s. 7 (1) (*bb*),  
repealed
- (2) Clause *cc* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed. s. 7 (5) (*cc*),  
repealed
- (3) Clause *b* of subsection 7 of the said section 7, as enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed and the following substituted therefor: s. 7 (7) (*b*),  
re-enacted

(*b*) \$300,000.
- (4) Subclause *i* of clause *c* of subsection 8 of the said section 7, as amended by the Statutes of Ontario, 1975, chapter 14, section 1, is further amended by striking out “\$250,000” in the amendment of 1975 and inserting in lieu thereof “\$300,000”. s. 7 (8) (*c*) (*i*),  
amended
2. Section 10 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 20, section 4, is further amended by adding thereto the following subsection: s. 10,  
amended

(6*a*) Notwithstanding subsection 1, where any class of property prescribed by the regulations passes to a class of persons prescribed by the regulations, any person may pay, deliver, assign or transfer or permit the payment, delivery, assignment or transfer of such property without the consent of the Minister. Where no  
consent  
necessary

s. 13 (2),  
amended

**3.**—(1) Subsection 2 of section 13 of the said Act is amended by striking out “an affidavit” in the third line and inserting in lieu thereof “a return”.

s. 13 (3),  
re-enacted

(2) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

Dispensing  
with  
affidavit

(3) Where a return purporting to be the return required by subsection 2 has been filed within the period mentioned in subsection 1, the Minister may, in writing, dispense with the filing of an affidavit by any of the persons to whom subsection 1 applies.

s. 17*d*,  
enacted

**4.** The said Act is amended by adding thereto the following section:

Application

**17*d*.**—(1) Where,

(*a*) duty is levied on the proportion of the property passing to a beneficiary and such duty is payable by him;

1970-71,  
c. 63 (Can.)

(*b*) subsections 5, 5.1 and 5.2 of section 70 of the *Income Tax Act* (Canada) are applicable in respect of a deceased; and

(*c*) the executor so elects,

the provisions of this section apply.

Rules that  
apply where  
election made  
under subs. 1

(2) Where an executor has made a valid election under subsection 1 in the form and manner and at the times prescribed by the regulations, in computing the duty payable by a beneficiary under this Act, the following rules shall apply:

1. Allowance shall not be made under subsection 6 of section 3 for the amount of any tax paid or payable under subsections 5, 5.1 and 5.2 of section 70 of the *Income Tax Act* (Canada).

2. The amount of duty payable by each beneficiary under this Act shall be reduced by the lesser of,

(*a*) that portion of the amount of tax paid or payable under the *Income Tax Act* (Canada) in respect of any dispositions on death deemed by subsections 5, 5.1 and 5.2 of section 70 of that Act that the portion of the elected aggregate value passing to the beneficiary bears to elected aggregate value; and

SECTION 3. This amendment will enable the current Affidavit of Value and Relationship to be replaced by a simplified return of the estate.

SECTION 4. The amendment enacts a new section to permit the executors of an estate to elect to have taxes payable under the *Income Tax Act* (Canada) in respect of certain deemed disposition on death treated as a credit against succession duty payable by each beneficiary. Taxes payable in respect of deemed dispositions under the *Income Tax Act* (Canada) will be disallowed as a debt of the estate in calculating the aggregate value. The amount of such taxes will be allocated as a credit against any succession duty payable by each beneficiary in proportion to that beneficiary's share of the estate to the extent of that beneficiary's liability for succession duty. Where the deceased dies domiciled outside Ontario, there may be credited only that portion of such taxes that dutiable value bears to the total value of the estate and only to the extent of that beneficiary's liability for succession duty.

SECTION 5.—Subsection 1. This amendment adds to the regulation-making power of the Lieutenant Governor in Council those things prescribed by the Act to be done by regulation. The amendment will permit the property that may be transferred without the Minister's consent under subsection 6*a* of section 10 to be set out by regulation. In addition, provision is made for the form and manner of calculation to determine the credit against succession duty and the manner of election provided for in section 17*d*. The regulations, if they so provide, will have retroactive effect. The provisions of section 5 are subject to passage of sections 2 and 4 of this Bill.

Subsection 2. This amendment authorizes retroactive regulations to be made.

SECTION 6.—Subsection 1. Subsection 4 of section 50 of *The Registry Act* is amended to dispense with the Minister's consent for any discharge of mortgage.

Subsection 2. The new subsection 4*a* is added to section 50 to dispense with the Minister's consent for the registration of conveyances of property for which the Minister's consent is not required under *The Succession Duty Act*.

Subsection 3. The amendment to subsection 9 of section 50 is to up-date the requirement for the registration of consents by dispensing with the Minister's consents for registration of conveyances in respect of deaths occurring prior to January 1, 1950.



(b) the amount of duty otherwise payable by the beneficiary under this Act.

3. Where the deceased died domiciled outside Ontario, the amount of duty payable by each beneficiary under this Act shall be reduced by the lesser of,

(a) that proportion of the amount determined in clause *a* of paragraph 2 that the dutiable value of the proportion of the elected aggregate value passing to the beneficiary bears to elected aggregate value; and

(b) the amount of duty otherwise payable by the beneficiary under this Act.

(3) For the purposes of this section, elected aggregate value shall be computed in the manner prescribed by the regulations. How elected aggregate value computed

5.—(1) Section 44 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 20, section 8, is further amended by adding thereto the following clauses: s. 44, amended

(g) prescribing classes of property and classes of persons for the purposes of subsection 6*a* of section 10;

(h) prescribing the form and manner and the times at which an election under section 17*d* shall be made;

(i) prescribing the terms and conditions and providing for the method of the calculations for the purposes of section 17*d*.

(2) The said section 44 is further amended by adding thereto the following subsection: s. 44, amended

(2) A regulation, if it so provides, is effective with reference to a period before it was filed. Regulation may be retroactive

6.—(1) Subsection 4 of section 50 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, is amended by striking out “discharge of mortgage” in the third and fourth lines. R.S.O. 1970, c. 409, s. 50 (4), amended

(2) The said section 50, as amended by the Statutes of Ontario, 1972, chapter 133, section 20, is further amended by adding thereto the following subsection: s. 50, amended

(4*a*) Notwithstanding subsection 4, the consent of the Minister of Revenue is not required to be attached to or Where consent of Minister not required

R.S.O. 1970,  
c. 449

endorsed on any deed, grant, conveyance, mortgage, assignment of mortgage or other instrument purporting to convey, transfer or assign any property which may, under *The Succession Duty Act* and the regulations made thereunder, be conveyed, transferred or assigned without the consent of the Minister of Revenue in respect of property passing on deaths occurring on or after the date at which such consents are not so required under *The Succession Duty Act* and the regulations made thereunder.

s. 50 (9),  
re-enacted

- (3) Subsection 9 of the said section 50 is repealed and the following substituted therefor:

Application  
of subss. 4-7

- (9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1950.

R.S.O. 1970,  
c. 234,  
s. 140 (1),  
amended

- 7.—(1) Subsection 1 of section 140 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is amended by striking out “and, in the case of the death of the registered owner of a charge where no such entry is being applied for but a cessation of the charge is tendered for registration, such cessation shall not be registered until the above consent is attached thereto or endorsed thereon” in the tenth, eleventh, twelfth, thirteenth and fourteenth lines.

s. 140,  
amended

- (2) The said section 140 is amended by adding thereto the following subsection:

Where  
consent of  
Minister not  
required

(1a) Notwithstanding subsection 1, the consent of the Minister of Revenue is not required to be attached to or endorsed on the application for transmission of interest or application for entry in respect of any land, charge or interest which may, under *The Succession Duty Act* and the regulations made thereunder, be conveyed, transferred or assigned without the consent of the Minister of Revenue in respect of property passing on deaths occurring on or after the date at which such consents are not so required under *The Succession Duty Act* and the regulations made thereunder.

s. 140 (2),  
re-enacted

- (3) Subsection 2 of the said section 140 is repealed and the following substituted therefor:

Saving

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1950.

SECTION 7.—Subsections 1, 2 and 3. Section 140 of *The Land Titles Act* is amended to parallel the amendments to *The Registry Act* made by section 6 of the Bill.



8. This Act shall be deemed to have come into force on the 20th <sup>Commence-</sup>  
day of April, 1977. <sup>ment</sup>
9. This Act may be cited as *The Succession Duty Amendment Act*, <sup>Short title</sup>  
1977.

An Act to amend  
The Succession Duty Act

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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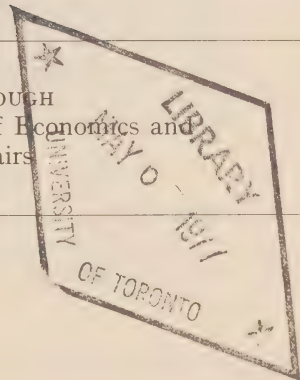
*(Government Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to authorize the Raising of Money on the Credit  
of the Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs





#### EXPLANATORY NOTE

The Bill provides authority for the borrowing of moneys not otherwise authorized by any other Act.

The principal borrowings authorized under *The Ontario Loan Act* in recent years have been.

1. Borrowings from the Canada Pension Plan.
2. The Ontario Treasury Bill program.
3. CMHC Waste Control Loans.
4. Federal-Provincial-Municipal Loan programs.

The authorization in the Bill to raise by way of loan up to \$1 billion is intended to cover the following estimated borrowing requirements:

1. Canada Pension Plan borrowings through to June, 1978.
2. Repayment of Ontario debt maturities.
3. Interim financing, as necessary.

BILL 43

1977

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,000,000,000.

Loans up to  
\$1,000,000,000

R.S.O. 1970,  
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Ontario Loan Act, 1977*.

Short title

An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue  
Fund

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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- B 56

**BILL 44**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Publica

**An Act respecting the  
Registration of Venture Investment Corporations**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of this Bill is to provide a means of mobilizing new sources of risk capital and managerial assistance for small businesses. Ancillary amendments to *The Corporations Tax Act, 1972* will be introduced later this year.

For taxation purposes, a corporate investor investing in a registered venture investment corporation will be permitted to deduct 250 per cent of the investment from its taxable income. This deduction may be carried forward indefinitely against future income. Upon disposition of the shares in the venture investment corporation on transfer or redemption of such shares or on revocation of registration of the venture investment corporation, 250 per cent of the proceeds of disposition will be included in the investor's income for that year. Proceeds in excess of the original investment will be taxed in the hands of the recipient as capital gains. Capital losses will not be allowed since the deferred taxes on the loss portion of the investment will not be recovered. Venture investment corporations will be subject, in the usual manner, to income and capital taxes.

The major provisions of the Bill are as follows:

1. A system of registration for venture investment corporations is established under the Ministry of Consumer and Commercial Relations.
2. A corporation incorporated under *The Business Corporations Act* may be registered as a venture investment corporation by filing a proposal containing prescribed information. A corporation is entitled to registration unless it fails to comply with the provisions of the Bill.
3. Where a corporation is refused registration or registration is proposed to be revoked, the corporation has the right of appeal to the Ontario Securities Commission.
4. A corporation may be registered as a venture investment corporation only if,
  - (a) the corporation has never previously carried on business;
  - (b) a majority of the directors are resident Canadians;
  - (c) the corporation has objects only to assist in the development of small businesses by,
    - (i) providing capital through the acquisition and holding of shares and notes, bonds, debentures or similar applications, and
    - (ii) providing business and managerial expertise to small businesses;
  - (d) the corporation has issued and outstanding capital of the value of \$250,000 or more; and
  - (e) the corporate name includes the words "venture investment corporation".

5. A venture investment corporation is required to maintain a requisite level of issued and outstanding capital. At the end of the fourth year of its registration and thereafter, a venture investment corporation must maintain at least \$750,000 of issued and outstanding capital.
6. Prior to the end of its first fiscal year, a venture investment corporation must have invested and at all times maintain 60 per cent or more of its capital in "eligible investments". Prior to the end of its second fiscal year and thereafter, such a corporation must have invested and at all times maintain 80 per cent or more of its capital in "eligible investments".
7. An "eligible investment" is one in which all of the following criteria are met:
  - (a) the investment must be in a small business that meets the prescribed limits of number of employees and amount of assets and profits;
  - (b) 90 per cent or more of its assets are situate in Ontario and 90 per cent or more of its wages and salaries are paid to residents of Ontario;
  - (c) the investment must not be used by the small business for the purpose of relending, investment in land, or reinvestment outside Canada;
  - (d) the venture investment corporation must not hold more than 40 per cent of the equity shares of the small business; and
  - (e) the small business must meet Canadian control requirements.
8. A small business is not Canadian controlled if the total number of equity shares owned by non-residents exceeds 25 per cent of the total number of issued and outstanding equity shares or if any single non-resident owns 10 per cent or more of the total number of issued and outstanding equity shares.
9. Once a small business ceases to be an eligible investment by reason of moving outside of the small business criteria or failing to meet the Canadian control test, the investment will be considered to remain eligible for a period of two years.
10. All investments made by a venture investment corporation must be at arm's-length of its shareholders, officers and directors. Provision is made to ensure that the venture investment corporation will not be able to invest in a subsidiary, affiliate, related person or holding corporation of itself or of any investor in the venture investment corporation or of any officer or director of the venture investment corporation.
11. In lending money to a small business, a venture investment corporation may not require the personal guarantee of or security from any individual.
12. A venture investment corporation is not permitted to offer its securities to the public.
13. Every venture investment corporation, notwithstanding that it may otherwise be exempt under the provisions of *The Business*

*Corporations Act*, is required to appoint an auditor and to keep the financial statements required by *The Business Corporations Act*.

14. Financial statements of a venture investment corporation are required to be kept on a corporate fiscal year basis. These financial statements must be filed with the Minister.
15. A venture investment corporation is required to keep a record of all amounts of money or other consideration received from any small business, including the amount, if any, received by the venture investment corporation as fees for providing business and management counselling.
16. A venture investment corporation is required to supply the Minister with particulars of any purchase and sale of securities.
17. The Minister is given authority to examine the books and records of a venture investment corporation.
18. The Bill contains a prohibition against disclosure of any information obtained from a venture investment corporation.



BILL 44

1977

## An Act respecting the Registration of Venture Investment Corporations

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “articles of incorporation” or “articles” means the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which a corporation is incorporated, and includes any amendments thereto;
- (b) “associate”, where used to indicate a relationship with any person, means,
  - (i) any body corporate of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the body corporate for the time being,
  - (ii) any partner of that person acting by or for the partnership of which they are both partners,
  - (iii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity,
  - (iv) any spouse, parent, son or daughter, brother or sister of that person, or
  - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;

R.S.O. 1970,  
c. 53

- (c) “body corporate” means any body corporate whether or not it is a corporation to which *The Business Corporations Act* applies;
- (d) “certified copy” means,
  - (i) in relation to a document of a body corporate, a copy of the document certified to be a true copy under the seal of the body corporate and signed by an officer thereof,
  - (ii) in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
  - (iii) in relation to a document in the custody of the Ministry, a copy of the document certified to be a true copy under the seal of the Minister and signed by the Minister or by such officer of the Ministry as is designated by the regulations;
- (e) “corporation” means a body corporate with share capital to which *The Business Corporations Act* applies;
- (f) “debt obligation” means a bond, debenture, note or other similar obligation of a body corporate, whether secured or unsecured;
- (g) “director” means a member of the board of directors of a body corporate or any other individual who performs functions for the body corporate similar to those normally performed by an individual occupying the position of director;
- (h) “eligible investment” means an investment in a small business that complies with section 10;
- (i) “equity share” means any share of any class of shares of a body corporate carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (j) “investment” means the purchase or acquisition from a small business by a venture investment corporation of the securities issued by that small business;

- (*k*) “land” includes land and any estate, right or interest therein, a leasehold interest or estate, the interest of an optionee, the interest of a purchaser under an agreement to sell land, or goodwill attributable to the location of land or to the existence thereon of any building or fixture, and fixtures;
- (*l*) “Minister” means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (*m*) “Ministry” means the Ministry of the Minister;
- (*n*) “officer” means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manager, or any other person designated an officer by by-law or resolution of the directors or any other individual who performs functions for the body corporate similar to those normally performed by an individual occupying any such office;
- (*o*) “prescribed” means prescribed by the regulations;
- (*p*) “register” means the register under this Act;
- (*q*) “regulations” means the regulations made under this Act;
- (*r*) “related person”, where used to indicate a relationship with any person, means,
  - (i) any spouse, parent, son or daughter, brother or sister of that person,
  - (ii) any relative of such person or of his spouse, other than a relative referred to in subclause i, who has the same home as such person, or
  - (iii) any body corporate of which such person and any of the persons referred to in subclause i or ii or the partner or employer of such person, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding;

- (s) “resident Canadian” means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada;
- (t) “security” means any share of any class of shares or any debt obligation of a body corporate;
- (u) “small business” means a body corporate having the number of employees and the amount of assets and profits that fall within the prescribed limits;
- (v) “Tribunal” means the Ontario Securities Commission;
- (w) “venture investment corporation” means a corporation registered under this Act.

Interpre-  
tation:  
subsidiary  
body  
corporate

(2) For the purposes of this Act, a body corporate shall be deemed to be a subsidiary of another body corporate if, but only if,

(a) it is controlled by,

- (i) that other,
- (ii) that other and one or more bodies corporate each of which is controlled by that other, or
- (iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary of a body corporate that is that other's subsidiary.

holding  
body  
corporate

(3) For the purposes of this Act, a body corporate shall be deemed to be another's holding body corporate if, but only if, that other is its subsidiary.

affiliated  
body  
corporate

(4) For the purposes of this Act, one body corporate shall be deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person.

Control

(5) Unless otherwise prescribed, a body corporate shall be deemed to be controlled by another person or by two or more bodies corporate if, but only if,

- (a) shares of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate; and
- (b) the votes carried by such shares are sufficient if exercised to elect a majority of the board of directors of the first-mentioned body corporate.

(6) In calculating the total number of equity shares of a body corporate beneficially owned or controlled, for the purposes of this Act, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

Calculation of total number of equity shares

(7) In determining the number of shareholders of a body corporate, for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one shareholder.

Number of shareholders

(8) For the purpose of determining whether or not a body corporate is a small business, there shall be taken into account the number of employees and the amount of assets and profits of any affiliate of such body corporate.

Determination of small business

**2.—**(1) Where all the shares of a corporation are with par value, its issued and outstanding capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of such issued and outstanding shares of each class multiplied by the par value thereof less such decreases in the issued and outstanding capital as from time to time have been effected by the corporation in accordance with *The Business Corporations Act*.

Issued capital: par value shares

R.S.O. 1970, c. 53

(2) Where the shares of a corporation are without par value or where part of its shares are with par value and part are without par value, its issued and outstanding capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of issued and outstanding shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the cor-

no par value shares



R.S.O. 1970,  
c. 53

poration may be transferred thereto and less such decreases in the issued and outstanding capital as from time to time have been effected by the corporation in accordance with *The Business Corporations Act*.

#### REGISTER

**Register**           **3.**—(1) The Minister shall maintain a register of venture investment corporations in which he shall list all corporations registered under this Act.

**Delegation  
by Minister**       (2) The Minister may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry.

#### REGISTRATION

**Registration**       **4.**—(1) A corporation may apply to be registered under this Act by delivering to the Minister a proposal in duplicate.

**Contents of  
proposal**           (2) A proposal shall set out:

1. The name of the corporation.
2. The location of the head office of the corporation in Ontario, including the street and number, if any.
3. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares in each class, and the par value of each share, or, where the shares are without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all other shares of each class may not be issued.
4. The issued capital of each class of shares, including the aggregate consideration therefor.
5. The amounts and kinds of debt obligations, if any, issued by the corporation.
6. The number of directors of the corporation and the names in full and the residence addresses of each, giving the street and number, if any.
7. The names in full of the officers of the corporation and the residence addresses of each, giving the street and number, if any.
8. Any other matter prescribed to be set out in the proposal.

(3) A proposal shall be accompanied by a certified copy of the corporation's articles of incorporation. Articles of incorporation

(4) The proposal shall be executed under the seal of the corporation and signed by two officers or one director and one officer of the corporation and certified by affidavit of one of the officers or directors signing the proposal. Execution of proposal

**5.**—(1) No corporation shall be registered under this Act unless, Conditions of registration

(a) the corporation has never previously carried on business;

(b) a majority of the directors on the board of directors are resident Canadians;

(c) the corporation has objects only to assist in the development of small businesses by,

(i) providing capital through the acquisition and holding of shares and notes, bonds, debentures or similar obligations, and

(ii) providing business and managerial expertise to small businesses;

(d) the corporation has issued and outstanding capital of a value of \$250,000 or more; and

(e) the corporate name includes the words "venture investment corporation".

(2) A venture investment corporation shall at all times comply with the provisions of clauses *b*, *c* and *e* of subsection 1. Continuing conditions

(3) No corporation, association, partnership or individual not being a corporation registered under this Act shall use in Ontario, without the consent of the Minister, a name that includes the words "venture investment corporation" or any abbreviation or derivation thereof, whether or not the word, abbreviation or derivation is used in or in connection with the name. Use of "venture investment corporation"

**6.**—(1) Subject to subsection 4, a corporation is entitled to registration by the Minister except where, Registration

(a) the applicant fails to comply with section 4 or 5, as the case may be; or



- (b) the applicant fails to file the material required by this Act or the regulations.

Refusal to register

(2) Subject to section 8, the Minister may refuse to register a corporation where in the Minister's opinion the applicant is disentitled to registration under subsection 1 of this section.

Revocation of registration

(3) Subject to section 8, the Minister may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations.

Minister may suspend further registrations

(4) Where the Minister is of the opinion that the number of corporations registered under this Act is sufficient to meet the objectives of this Act or where he is of the opinion that it is in the public interest to do so, the Minister may, subject to the approval of the Lieutenant Governor in Council, by order, suspend the further registration of corporations under this Act for such period of time as is specified in the order.

Registration

**7.** If a corporation complies with sections 4 and 5, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the proposal the word "Registered" and the day, month and year of the registration thereof;
- (b) file one of the duplicates in his office;
- (c) place the name of the corporation in the register of venture investment corporations; and
- (d) issue to the registrants a certificate of registration to which he shall affix the other duplicate.

Notice of proposal to refuse or revoke

**8.—(1)** Where the Minister proposes to refuse to grant or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Tribunal, and he may so require such a hearing.

Powers of Minister where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2,

the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or registrant requires a hearing <sup>Powers of Tribunal where hearing</sup> by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Minister at the hearing, may by order direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Minister.

(5) The Tribunal may attach such terms and conditions <sup>Conditions of order</sup> to its order or to the registration as it considers proper to give effect to the purposes of this Act.

(6) The Minister, the applicant or the registrant who has <sup>Parties</sup> required the hearing and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Minister may cancel <sup>Voluntary cancellation</sup> a registration upon the request in writing of the registrant in the prescribed form surrendering its registration.

(8) Notwithstanding that an applicant or registrant appeals <sup>Order effective, stay</sup> from an order of the Tribunal, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

**9.—**(1) In each fiscal year, a venture investment corporation shall maintain issued and outstanding capital of a value that is not less than the requisite issued and outstanding capital <sup>Requisite value of capital</sup>.

(2) For the purposes of subsection 1, the requisite issued <sup>Idem</sup> and outstanding capital of a venture investment corporation is,

- (a) \$250,000 or more during its first fiscal year;
- (b) \$350,000 or more prior to the end of its second fiscal year;
- (c) \$500,000 or more prior to the end of its third fiscal year;

(d) \$750,000 or more prior to the end of its fourth fiscal year;

(e) \$750,000 or more during each subsequent fiscal year.

Minimum  
percentage  
of eligible  
investments

(3) Prior to the end of its first fiscal year, a venture investment corporation shall have invested at least 60 per cent of its requisite issued and outstanding capital in eligible investments.

Idem

(4) Prior to the end of its second fiscal year, a venture investment corporation shall have invested at least 80 per cent of its requisite issued and outstanding capital in eligible investments.

Idem

(5) Prior to the end of its third fiscal year, a venture investment corporation shall have invested an average of at least 80 per cent, calculated on the last day of each month of its fiscal year, of its requisite issued and outstanding capital in eligible investments.

Idem

(6) After the end of its third fiscal year, a venture investment corporation shall at all times maintain an average of at least 80 per cent, calculated on the last day of each month of the immediately preceding twelve months, of its requisite issued and outstanding capital in eligible investments.

Idem

(7) If at any time a venture investment corporation has issued and outstanding capital in excess of the requisite capital provided for in subsection 2, such venture investment corporation shall maintain at least 80 per cent of such excess in eligible investments.

Fiscal year

(8) A venture investment corporation shall have a fiscal year that commences upon the date of its registration under this Act and ends upon the anniversary of the date of its registration.

#### ELIGIBLE INVESTMENTS

Eligible  
investments

**10.—(1)** An investment shall be an eligible investment if, but only if,

(a) the investment is made in a small business in which 90 per cent or more of its,

(i) assets are situate in Ontario, and

- (ii) wages and salaries are paid to residents of Ontario;
  - (b) the investment is not used by the small business for the purpose of,
    - (i) relending,
    - (ii) investment in land except such land as is incidental and ancillary to the principal objects of the small business, or
    - (iii) reinvestment outside Canada;
  - (c) the number of equity shares taken by the venture investment corporation in the small business, or any affiliated body corporate of such small business, in which the venture investment corporation invests does not at any time exceed 40 per cent, determined in the manner prescribed by subsection 2, of all issued and outstanding equity shares of such small business;
  - (d) the investment is made in a small business in which,
    - (i) the total number of equity shares of the body corporate beneficially owned, directly or indirectly, by non-residents over which non-residents exercise control or direction does not exceed 25 per cent of the total number of issued and outstanding equity shares of the body corporate, or
    - (ii) the total number of equity shares of the body corporate beneficially owned, directly or indirectly, by a non-resident or over which he exercises his control or discretion, together with other shareholders associated with him, if any, does not exceed 10 per cent of the total number of issued and outstanding equity shares of the body corporate; and
  - (e) the small business or investment is not of the type prescribed by the regulations.
- (2) In determining the percentage of issued and outstanding equity shares of a small business for the purposes of clause c of subsection 1, there shall be included, Manner of determining percentage of equity shares
- (a) the number of equity shares into which any debt obligation of such small business may be converted;

- (b) any option or right to purchase equity shares of such small business; and
- (c) any equity shares, convertible debt obligations and any options or rights of such small business beneficially owned or held by an associate of the venture investment corporation, any shareholder of it, or an associate or affiliated body corporate of either of them.

Investments **11.**—(1) A venture investment corporation shall maintain its assets in,

- (a) eligible investments;
- (b) liquid reserves;
- (c) securities that were eligible investments at the time they were acquired by such venture investment corporation; or
- (d) such other form as may be prescribed.

Organization, etc., expenses (2) The Minister may prescribe the kinds of expenses that a venture investment corporation may claim in the organization, promotion and operation of its business and affairs and may impose limits thereon.

Liquid reserves (3) Assets of the corporation maintained in liquid reserves shall be deposited from time to time in any chartered bank to which the *Bank Act* (Canada) applies, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or with the Province of Ontario Savings Office or in such other investments as may be prescribed, upon such terms and conditions and for such period as the corporation considers expedient.

Interpretation **12.**—(1) In this section and in clause *d* of subsection 1 of section 10,

- (a) “body corporate” includes an association, partnership or other organization;
- (b) “non-resident” means,
  - (i) an individual who is not a resident Canadian,
  - (ii) a body corporate incorporated, formed or otherwise organized elsewhere than in Canada,



- (iii) a body corporate that is controlled directly or indirectly by non-residents as defined in subclause i or ii,
  - (iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or
  - (v) a body corporate that is controlled directly or indirectly by a trust mentioned in subclause iv;
- (c) “resident” means an individual, body corporate or trust that is not a non-resident.

(2) For the purpose of clause *d* of subsection 1 of section 10, <sup>Idem</sup> a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a body corporate of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a body corporate that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are bodies corporate and one shareholder is controlled directly or indirectly by the same individual or body corporate that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a body corporate; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

**13.—(1)** A venture investment corporation shall not <sup>Prohibited investments</sup> invest or maintain an investment in a small business if,

- (a) any of the shares of such small business are held by,
  - (i) a major shareholder or an associate thereof of the venture investment corporation,

(ii) an officer or director or an associate thereof of a venture investment corporation or an officer or director or an associate thereof of a major shareholder of the venture investment corporation, or

(iii) a voting trust where the trust relates to the shares of the venture investment corporation; or

(b) such small business is a subsidiary, a holding body corporate or affiliated body corporate of the venture investment corporation.

**Interpre-  
tation**

(2) In this section, a “major shareholder” means a person who holds 10 per cent or more of the voting rights attached to all equity shares of the venture investment corporation for the time being outstanding.

**Restriction  
on security**

**14.** In making an eligible investment, no venture investment corporation shall, at any time, require or accept, either directly or indirectly, the personal guarantee of any person or the giving of a charge, mortgage, hypothec, pledge or like secured interest in the assets of any individual.

**Restriction  
on  
investment**

**15.—**(1) Except where a venture investment corporation is widely held, it shall not invest in a small business if the proceeds of that investment are used or are intended to be used, in whole or in part, to finance the purchase or sale of goods or services provided to such small business through any shareholder of the venture investment corporation or any associate or affiliated body corporate of such shareholder.

**Interpre-  
tation**

(2) For the purposes of subsection 1, a widely held venture investment corporation is one having five or more shareholders, each holding not more than 20 per cent of the issued and outstanding equity shares of that corporation.

**Material  
change**

**16.—**(1) In this section, a material change occurs if, but only if, the investment of a venture investment corporation ceases to be,

(a) a small business; or

(b) an eligible investment.

**Notification**

(2) A venture investment corporation shall notify, in the prescribed form, the Minister of any material change in any of its investments within thirty days of the occurrence thereof.



(3) Where there is a material change, the investment by a <sup>Eligible investment</sup> venture investment corporation shall remain an eligible investment, notwithstanding any other provision of this Act, for a period of two years from the date of the material change.

**17.**—(1) No securities and no option or right to acquire <sup>Restriction on transfer, etc., of securities</sup> securities of a small business or of a body corporate that has ceased to be a small business or an eligible investment shall be transferred or granted by a venture investment corporation without first granting to the holders of the equity shares of such small business or body corporate the right to acquire the whole or any part of such securities, option or right upon the same terms and conditions.

(2) Only a holder of equity shares that is not a venture <sup>Proviso</sup> investment corporation may exercise the right to acquire securities, options or rights under subsection 1.

**18.** Where the Minister is of the opinion that the venture <sup>Avoidance of taxes</sup> investment corporation or its security holders are conducting their business and affairs primarily so as to avoid payment of taxes, in a manner that is contrary to the spirit and intent of this Act, the Minister may, subject to section 8, revoke the registration of the venture investment corporation.

**19.** No corporation registered under this Act shall offer <sup>No public offering</sup> its securities to the public unless such offering is exempt from the registration and prospectus requirements of *The R.S.O. 1970, c. 426* *Securities Act*.

**20.** Notwithstanding the provisions of section 167 of <sup>Application of</sup> *The Business Corporations Act*, every venture investment corporation shall comply with the provisions of sections 168 and 169, subsections 1 to 4 of section 170 and section 171 and clause *c* of subsection 1 and subsection 3 of section 172 of that Act in each year. <sup>R.S.O. 1970, c. 53</sup>

**21.** Within ninety days of the date to which it is made <sup>Filing of financial statements</sup> up, a venture investment corporation shall file with the Minister its financial statements and the auditor's report thereon.

#### INFORMATION

**22.**—(1) Within ninety days after each anniversary of the <sup>Returns</sup> date of its registration, every venture investment corporation shall make out, verify and file with the Minister, a return in the prescribed form setting out, as of its anniversary date, the information required by such return.

Change in  
authorized  
capital

(2) Where shares of a class are donated to, redeemed, purchased, accepted or surrendered or converted by a venture investment corporation, the venture investment corporation shall, within thirty days of the date in which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected.

Enlargement  
of time by  
Minister

(3) The Minister may, in his discretion, enlarge the time for filing any notice or return under this section.

Record  
of moneys  
received

**23.**—(1) A venture investment corporation shall at all times maintain a record of all amounts of money or any other consideration received from any small business and shall indicate in such record the purpose for which the money or other consideration was received.

Records to  
be filed

(2) Within thirty days after each anniversary of the date of its registration, every venture investment corporation shall file with the Minister a copy of the records maintained under subsection 1.

Notice to  
Minister

**24.**—(1) Within thirty days of acquiring or selling an eligible investment, a venture investment corporation shall notify the Minister in the prescribed form of such acquisition or sale.

Particulars  
of eligible  
investments

(2) The Minister shall maintain a file in respect of each venture investment corporation in which there shall be recorded particulars of all eligible investments held by the venture investment corporation.

Non-  
disclosure of  
information

(3) The Minister or any employee of the Ministry shall not disclose information contained in a file or return under this section, or section 20, except where the disclosure is necessary for the administration or enforcement of this Act or *The Corporations Tax Act, 1972*, or where the disclosure is required by a court or the Tribunal for the purposes of an action, prosecution or proceeding.

1972, c. 143

(4) Upon the request of either the venture investment corporation or the Minister of Revenue, where the information is required for the administration or enforcement of *The Corporations Tax Act, 1972*, the Minister may issue to such venture investment corporation or the Minister of Revenue, a certificate as to registration under this Act or as to particulars of eligible investments held by such venture investment corporation during the period of time specified in the certificate.

Certifications  
of eligible  
investments,  
etc.  
1972, c. 143

**25.**—(1) Where this Act requires or authorizes the Minister to issue a certificate or to certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the Minister.

Certificates  
to be under  
seal

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceedings as *prima facie* proof of the facts so certified without proof of the seal or the signature or the official position of the person appearing to have signed the certificate.

Certificates  
to be  
*prima facie*  
proof

**26.**—(1) The Minister may at any time by notice require any venture investment corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act.

Information  
required  
by the  
Minister

(2) The Minister or any employee of the Ministry shall not disclose information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act or *The Corporations Tax Act, 1972*, or where the disclosure is required by a court or the Tribunal for the purposes of an action, prosecution or proceeding.

Idem,  
disclosure of

**27.** A venture investment corporation that enters into a management agreement shall file with the Minister a copy of the agreement, together with any amendments thereto, within thirty days after the making of the agreement or amendment.

Management  
agreements

#### OFFENCES

**28.**—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false

Offence

or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000.

**Exception** (2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

**Offence** **29.**—(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act, or has allowed any such person to inspect or to have access to any written statement furnished under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

**Saving** (2) Subsection 1 does not apply to the communication of information among the Ministry and the Ministry of Revenue and the Ministry of Treasury, Economics and Intergovernmental Affairs.

**Inspection** **30.** The Minister or any person designated by him in writing may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or any thing is done in connection with any business of a venture investment corporation or any books or records are or should be kept by the registrant pursuant to this Act and may make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of records are being complied with.

**Powers on inspection** **31.**—(1) Upon an inspection under section 30, the person inspecting,

(a) is entitled to free access of all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the venture investment corporation being inspected;

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, providing that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,



and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purport- Copy  
ing to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as being of actual proof of the original.

(3) Every person who contravenes subsection 1 is guilty of Offence  
an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$20,000.

**32.** Every corporation that has failed to deliver a return Offence  
as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day of default.

**33.** The Minister may require any fact relevant to the Affidavit  
performance of his duties under this Act or the regulations to be verified by affidavit or otherwise.

**34.** The Lieutenant Governor in Council may make Regulations  
regulations,

- (a) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (b) designating officers of the Ministry who may sign certificates for the purposes of section 26;
- (c) prescribing the particulars that the Minister shall maintain in the register of venture investment corporations;
- (d) prescribing forms and providing for their use;
- (e) requiring any person to make information returns respecting any class of information required in assessing compliance with this Act;
- (f) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;

- (g) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (h) prescribing the manner in which any calculation under section 9 is to be made;
- (i) prescribing the manner and any conditions upon which a right of purchase may be exercised under section 17;
- (j) determining the method of calculation to be used in measuring the percentage of assets that a small business has situate in Ontario;
- (k) prescribing any matter required by this Act to be prescribed by the regulations.

Commence-  
ment

**35.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**36.** This Act may be cited as *The Venture Investment Corporations Registration Act, 1977*.









An Act respecting the Registration of  
Venture Investment Corporations

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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**BILL 45**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**Government  
Publications**

**An Act to amend The Tobacco Tax Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

**TORONTO**

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

Pursuant to the announcement in the Treasurer's Budget, this Bill increases the rates of tax on tobacco products. For cigarettes, the rate is increased by 5 cents on a package of 20 cigarettes. The new rate of tax is 19.2 cents for 20 cigarettes. The rate of tax on cigars is, on the average, doubled. For higher priced cigars, the new tax rate will be 2 cents for every 5 cents of the retail price of the cigar. The rate of tax on other tobacco products, such as pipe tobacco and fine cut tobacco for rolling cigarettes, is approximately doubled and, to meet the approaching adoption by tobacco manufacturers of the metric system, is now to be based on grams of tobacco rather than ounces. The new tax rate for this class of tobacco is thirty-five one-hundredths of a cent on each gram of tobacco, which is roughly equivalent to 10 cents for each ounce.

In addition, a number of other changes are made to the Act to provide the same administrative procedures with respect to assessments, appeals and collection of tax as are contained in the Province's other major revenue statutes.

SECTION 1.—Subsection 1. Subsection 1 of section 2 of the Act now reads as follows:

*(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed as follows:*

- (a) seventy-one one-hundredths of 1 cent on every cigarette purchased by him;*
- (b) 2.5 cents for every one-half of one ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;*
- (c) 1 cent on every cigar purchased by him for a price at retail of not more than 7 cents;*
- (d) 2 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents;*
- (e) 3 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents;*
- (f) 4 cents on every cigar purchased by him for a price at retail of more than 15 cents but not more than 20 cents, and thereafter an additional 1 cent for each additional 5 cents that the price at retail exceeds 20 cents.*

The re-enacted subsection contains the new rates of tax proposed by the Treasurer's Budget.

Subsection 2. The subsection added provides that amounts that are paid in lieu of or on account of tax are to be dealt with, and may be collected, as though they were tax.

BILL 45

1977

## An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Tobacco Tax Act*, being <sup>s. 2 (1).</sup> chapter 463 of the Revised Statutes of Ontario, 1970, <sup>re-enacted</sup> as re-enacted by the Statutes of Ontario, 1972, chapter 16, section 1 and amended by the Statutes of Ontario, 1976, chapter 24, section 1, is repealed and the following substituted therefor:

(1) Every consumer shall pay to Her Majesty in right of <sup>Tax on</sup> Ontario a tax computed as follows:

- (a) ninety-six one-hundredths of 1 cent on every cigarette purchased by him;
- (b) thirty-five one-hundredths of 1 cent on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;
- (c) 2 cents on every cigar purchased by him for a price at retail of not more than 7 cents;
- (d) 4 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents; and
- (e) 6 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents, and thereafter an additional 2 cents for each additional 5 cents that the price at retail of a cigar purchased by him exceeds 15 cents.

- (2) The said section 2 is amended by adding thereto the <sup>s. 2.</sup> following subsection: <sup>amended</sup>

Amounts in  
lieu of tax

(4) Where any person selling tobacco receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act.

s. 6 (1),  
re-enacted

2. Subsection 1 of section 6 of the said Act is repealed and the following substituted therefor:

Sales of  
tobacco  
under  
R.S.O. 1970,  
c. 52

(1) No wholesale dealer shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable under this Act by such wholesale dealer have been paid or that such person has entered into an arrangement satisfactory to the Minister for the payment of such taxes or for securing their payment.

s. 8 (2),  
amended

- 3.—(1) Subsection 2 of section 8 of the said Act is amended by striking out “and it shall bear interest at the rate prescribed by the regulations from the day the amount was due until it is paid” in the eighth, ninth and tenth lines.

s. 8 (3) (a, b),  
re-enacted

- (2) Clauses *a* and *b* of subsection 3 of the said section 8, as enacted by the Statutes of Ontario, 1976, chapter 24, section 2, are repealed and the following substituted therefor:

(a) \$700; or

(b) the aggregate of,

- (i) 4 per cent of the tax collected by him in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$75 or more,
- (ii) \$3 for each return with respect to tax collected by him in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$3 and is less than \$75, and



SECTION 2. Subsection 1 of section 6 of the Act now reads as follows:

- (1) *No wholesale dealer shall dispose of his stock through a sale in bulk as defined in The Bulk Sales Act without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable under this Act by such wholesale dealer have been paid.*

The subsection is enlarged to permit a bulk sale where the Minister issues a certificate that an arrangement has been entered into that secures the payment of tax.

SECTION 3.—Subsection 1. Subsection 2 of section 8 of the Act now reads as follows:

- (2) *If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and, subject to the Bankruptcy Act (Canada), has priority over all other claims of other persons, and it shall bear interest at the rate prescribed by the regulations from the day the amount was due until it is paid.*

The amendment removes the provisions relating to the payment of interest and fixing the rate thereof. Those provisions will now appear in the new section 8c.

Subsection 2. Subsection 3 of section 8 now reads as follows:

- (3) *For each twelve-month period commencing on the 1st day of April and not earlier than the 1st day of April, 1976, there may be paid to each wholesale dealer designated a collector under this Act or the regulations the lesser of,*

(a) *\$500; or*

(b) *the aggregate of,*

- (i) *3 per cent of the tax collected by him in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$67 or more,*
- (ii) *\$2 for each return with respect to tax collected by him in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$2 and is less than \$67, and*
- (iii) *the tax collected by him in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$2,*

*as compensation for his services in collecting and remitting the tax imposed by this Act, and such collector may deduct such compensation from the amount otherwise to be remitted to the Treasurer in accordance with this Act and the regulations.*

The amendments increase the compensation for a wholesale dealer who collects tax. The rate of compensation is increased from 3 to 4 per cent. The maximum compensation payable in any year is increased from \$500 to \$700.

SECTION 4. This amendment adds nine new sections to the Act.

The new section 8*a* provides, in subsections 1 and 2, for the making of returns to the Minister and for the verification of those returns. This provision is presently in the regulations under the Act. Subsection 3 provides for the payment of a penalty on assessment therefor for the late filing of a return. The penalty is 5 per cent of the tax covered by the return, but not less than \$10 and not more than \$500. Subsections 4 and 5 provide offences for the failure to file a return and for filing an incomplete return. The fine that may be imposed for such offence is \$200.

The new section 8*b* adds provisions enabling the Minister to assess the tax payable under the Act. These assessment provisions are similar to those in other revenue statutes, and will replace the limited provision for assessment now contained in the regulations under the Act.

The new section 8*c* deals, in subsection 1, with interest on unpaid taxes, in subsection 2 with the application of payments first to discharge interest, and in subsection 3, the Minister is enabled to relieve against full payment of interest in special circumstances.

The new section 8*d* provides a procedure, similar to other revenue statutes, to enable a person who has been assessed to object to the assessment, and requires the Minister to consider the objection and make a decision confirming or varying the assessment.

The new section 8*e* provides a procedure, similar to other revenue statutes, to enable a person assessed to appeal the assessment to the Supreme Court and to provide for the Minister to give a reply to bring the matter before the Court.

The new section 10*a* provides, as in other revenue statutes, for actions by the Minister to recover or collect tax and for the issue of a warrant of execution having the same force and effect as a writ of execution to collect unpaid taxes. Subsection 2 allows proof by affidavit of certain evidentiary matters. Subsection 3 ensures that the remedies for tax collection and recovery provided in the Act may be exercised independently so that the use of one remedy will not bar the use of others.

The new section 10*b* adds the garnishment procedures in other revenue statutes. Where a taxpayer who owes money to the Crown is, in turn, owed money by another person the new section provides a procedure by which the Minister can garnish the debt of that person to the taxpayer to discharge the taxpayer's obligation to the Crown.

The new section 11*a* provides a penalty to be imposed on a collector who fails to collect the tax that, as agent of the Minister, he is required to collect under the Act and the regulations.

The new section 11*b* provides that the officers of a corporation that commit an offence under the Act are guilty of that offence if they took part in authorizing the corporation to commit it.

- (iii) the tax collected by him in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$3,

4. The said Act is amended by adding thereto the following sections:

ss. 8a-8e,  
10a, 10b,  
11a, 11b,  
enacted

8a.—(1) Every person designated a collector according to the regulations shall, without notice or demand, deliver to the Minister, at the time and in the manner prescribed by the regulations, a return of tax, that he, as agent of the Minister, is responsible to collect, and shall, at the time and in the manner prescribed by the regulations, remit such tax with his return.

Returns by  
collector

(2) Every return shall be verified by a certificate of the person designated a collector according to the regulations and, if such person is not an individual, of any one of its officers or servants or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of such person and exhibit truly, correctly and completely all information for the period covered by the return.

Idem

(3) Every person designated a collector according to the regulations who files a return after the time prescribed by the regulations shall pay, when assessed therefor, a penalty of,

Penalty for  
late filing

(a) \$10; or

(b) 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him,

whichever is the greater, but in no case shall such penalty be more than \$500.

(4) Every person designated a collector according to the regulations who fails to file a return as required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of \$200.

Offence

(5) Every person designated a collector according to the regulations who fails to complete the information required in the return to be delivered to the Minister under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$200.

Idem

Assessment

8b.—(1) The Minister may, at any time he considers reasonable, assess or reassess any tax that any person, as agent of the Minister, has collected and has failed to remit and any tax, interest or penalty, as the case may be, payable by him for which he has not accounted.

Assessment  
on inspection

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any consumer or dealer that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collectable or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of tax that any person as agent of the Minister has collected and has failed to remit and the amount of the tax, interest or penalty, as the case may be, payable by him for which he has not accounted.

Notice of  
Assessment

(3) Where the Minister has made an assessment under subsection 1 or 2, he shall deliver a notice of assessment by personal service or shall send such notice of assessment by mail or registered mail to the person so assessed at his last known address, or where the person has more than one address, one of which is in Ontario, to his address in Ontario, and the amount of the assessment shall, subject to subsection 4, be remitted to the Treasurer by the person so assessed within thirty days from the date of personal service or mailing of the notice of assessment.

Idem

(4) Where the Minister has made an assessment under subsection 1 or 2, the notice of assessment may provide that the amount assessed is payable forthwith.

Continuation  
of liability  
for tax

(5) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Minister  
not bound  
by returns

(6) The Minister is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding that any return or information has been delivered, assess the tax payable under this Act.

Assessment  
valid and  
binding

(7) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Idem

(8) The amount of any assessment is payable within the time required by the notice of assessment whether or not



an objection or appeal from the assessment is made or taken.

8c.—(1) Any amount that is payable or to be remitted to the Treasurer under this Act or the regulations, or that is payable as a penalty imposed under this Act otherwise than a penalty imposed as a result of a prosecution for an offence under this Act, bears interest at the rate prescribed by the regulations from the day on which the amount should have been paid or remitted to the day of payment. Unpaid taxes to bear interest

(2) Any payment to the Treasurer under this Act that is not a fine shall first be applied to any interest payable by the person making a payment or on whose account payment is made. Payment applied first to interest

(3) Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable by any person under this Act be paid, the Minister may exempt the person from any payment of the whole or any part of such interest. Exemption from payment of interest

8d.—(1) Where a person objects to an assessment made under section 8b, he may, within ninety days from the day of mailing or delivery by personal service of the notice of assessment, serve on the Minister a notice of objection in duplicate in the form prescribed by the regulations setting out the reasons for the objection and all relevant facts. Notice of objection

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. Service

(3) Upon receipt of a notice of objection, the Minister shall with all due dispatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the person who has made the objection of his action by registered mail. Recon-sideration

8e.—(1) After the Minister has given the notification required by subsection 3 of section 8d, a person who has served notice of objection under section 8d may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 8d and an appeal under this section shall not be made to the Divisional Court. Appeal

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate Appeal how instituted

in the form prescribed by the regulations and by filing a copy thereof with the Registrar of the Supreme Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of  
notice of  
appeal

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to  
notice of  
appeal

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due dispatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter  
deemed  
action

(6) Upon the filing of the material referred to in subsection 5, the matter shall be deemed to be an action in the court.

Disposition  
of appeal

(7) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment.

Idem

(8) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

Procedure

(9) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, apply to every matter that is deemed to be an action under subsection 6, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

(10) No assessment shall be vacated or varied on appeal by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act. <sup>Irregularities</sup>

(11) The time within which a notice of objection under subsection 1 of section 8*d* or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be. <sup>Extension of time</sup>

10*a*.—(1) Upon default of payment of an amount assessed under section 8*b*, <sup>Recovery of tax</sup>

(*a*) the Minister may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and

(*b*) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, <sup>Compliance to be proved by affidavit</sup>



be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Remedies  
for recovery  
of tax

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty in right of Ontario.

Garnishment

10b.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability  
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of  
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been



SECTION 5. The new subsection 2 makes it an offence for a person who is buying tobacco for resale, and is therefore not a consumer, to buy tobacco from anyone who is not a collector under the Act and charged with the enforcement of the collection of tax as agent of the Minister.

validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(6) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment  
of wages  
R.S.O. 1970,  
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure  
to remit

. . . . .

11a. Every dealer who has failed to collect tax that he is responsible to collect under this Act or the regulations shall pay a penalty, when assessed therefor, equal to not more than twice the amount of tax that he failed to collect.

Penalty for  
failure to  
collect

11b. Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Liability of  
officers of  
corporations

5. Section 13 of the said Act is amended by adding thereto the following subsection:

s. 13,  
amended

(2) Every person who purchases tobacco for resale from any person who is not designated a collector according to the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax that would be exigible on the tobacco so purchased by him if such tobacco had been purchased by a consumer and not more than an amount equal to twice the amount of such tax so ascertained and is in addition liable to imprisonment for a term not exceeding six months.

Offence

ss. 15a, 15b,  
enacted

6. The said Act is further amended by adding thereto the following sections:

Over-  
payments

15a.—(1) Where a person has remitted to the Treasurer a greater amount of money for a period than was required by this Act to be remitted for that period, or a greater amount than was payable by the person, the Treasurer shall either refund the overpayment or, at the option of the Minister, apply the amount of the overpayment to liability of the person with respect to a previous or subsequent period, in which latter case the Minister shall notify the person of such action.

Idem

(2) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, unless the amount of interest so calculated is less than \$5 in which event no interest need be paid or applied under this subsection.

Idem

(3) Where by a decision of the Minister under section 8d or by a decision of the court it is finally determined that the tax payable under this Act by a person is less than the amount assessed by the assessment to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the overpayment shall be computed at the rate prescribed by the regulations.

Refunds

15b. Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax owing to the Treasurer, and the sections of this Act relating to the assessment (including objection and appeal therefrom) and collection of taxes apply *mutatis mutandis* to the said amount.

s. 16 (1) (n),  
repealed

- 7.—(1) Clause *n* of subsection 1 of section 16 of the said Act is repealed.

s. 16,  
amended

- (2) The said section 16, as amended by the Statutes of Ontario, 1972, chapter 16, section 2 and 1976, chapter 24, section 3, is further amended by adding thereto the following subsection:

Minister  
may  
prescribe  
forms

(1a) The Minister may make regulations prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

SECTION 6. The amendment adds two new sections.

The new section 15*a* provides that overpayments of tax are to be refunded or may be applied against other liability to the Treasurer of the person who made the overpayment. Interest on such overpayments will be paid if the amount of interest is not less than \$5.

The new section 15*b* provides that where an excessive refund has been made, the overpayment by the Treasurer may be recovered by the Minister in the same way as tax under the Act may be recovered or collected.

SECTION 7. The clause that is repealed by subsection 1 enabled the Lieutenant Governor in Council to prescribe forms for the purpose of the Act. This power is given to the Minister (subsection 2) which is in keeping with other revenue statutes.





8. This Act shall be deemed to have come into force on the 20th Commence-  
ment day of April, 1977.
9. This Act may be cited as *The Tobacco Tax Amendment Act, 1977*. Short title

An Act to amend  
The Tobacco Tax Act

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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**BILL 46**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to provide Employment Opportunities for  
Youth in Ontario**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill provides for the establishment of a Youth Employment Program that will encourage the farming and business communities to increase employment of youth in Ontario by creating youth summer job opportunities and that will provide young people with work experience and skills to better equip them for full-time participation in the labour market.

The Bill enables the Lieutenant Governor in Council to establish a Youth Employment Program by regulation. Pursuant to such a Program, the Treasurer of Ontario may make employment grants to "eligible employers" who hire "eligible employees".

All employers, other than federal, provincial or municipal governments or their agencies, boards and commissions will be eligible for employment grants if they have been actively engaged in business or farming in Ontario for at least one year immediately prior to the commencement of the Youth Employment Program.

Eligible employees are those who are,

- (a) resident in Ontario;
- (b) eligible to work in Ontario;
- (c) between the ages of fifteen and twenty-four years inclusive at the commencement of the Program; and
- (d) not related to the employer.

The Youth Employment Program established under the Bill will ensure that jobs created under the Program are in addition to those normally provided by the employer and will not result in the dismissal, lay-off or reduction in hours or period of work of any existing employees.

The Program will be subject to both ongoing and post-audit checks. The Bill contains provision for inspection to ensure that grants are properly made under the Program. Penalties are also provided for persons who obtain grants on the basis of false information.

BILL 46

1977

## An Act to provide Employment Opportunities for Youth in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "eligible employee" means a person who is resident and eligible to work in Ontario and who at the time of the commencement of the youth employment program has attained the age of fifteen years but has not attained the age of twenty-five years;
- (b) "eligible employer" means a person who has been actively engaged in business or farming in Ontario for at least one year immediately prior to the commencement of the youth employment program but does not include a municipality or local board thereof, the Government of Canada or the government of any province or any agency, board or commission thereof, or any person prescribed not to be eligible as an employer;
- (c) "employee" means an employee within the meaning of *The Employment Standards Act, 1974*; 1974, c. 112
- (d) "employer" means an employer within the meaning of *The Employment Standards Act, 1974*;
- (e) "farming" includes tillage of the soil, the breeding, raising or grazing of live stock of all kinds, the raising of poultry and the production of poultry products, fur-farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of live stock and the keeping of bees;
- (f) "local board" means a local board as defined in *The Municipal Affairs Act*; R.S.O. 1970,  
c. 118

- (g) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (h) “municipality” means a city, town, village, township or improvement district and includes a metropolitan, regional or district municipality;
- (i) “prescribed” means prescribed by the regulations;
- (j) “regulations” means the regulations made under this Act.

Purpose  
of Act

**2.** The purpose of this Act is to provide for the establishment of a youth employment program that will encourage the farming and business communities in Ontario to achieve increased employment of youth in Ontario by creating new summer job opportunities and that will provide young people with work experience and skills that better equip them for full-time participation in the labour market.

Minister  
may make  
grants

**3.** The Minister may make grants in the prescribed amount to eligible employers who hire eligible employees in accordance with the terms and conditions of the youth employment program established under this Act.

Effect of  
program

**4.—(1)** The youth employment program established under this Act shall ensure,

- (a) that employment created under the program is in addition to that normally provided by an employer and that it does not result in the dismissal, lay-off or reduction in regular hours or period of work of any existing employees of an employer; and
- (b) that employment is not provided under the program to an employee where the employer is a related person.

Interpre-  
tation

(2) For the purposes of clause *b* of subsection 1, “related person” means,

- (i) any spouse, parent, son or daughter, brother or sister of the employee,
- (ii) any relative of the employee or of his spouse, other than a relative referred to in subclause i, who has the same home as the employee, or

- (iii) any body corporate of which the employee and any of the persons referred to in subclause i or ii or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**5.** The Minister may, with the approval of the Lieutenant Governor in Council, make agreements with any person or with Her Majesty in right of Canada for the administration of the youth employment program. Agreements

**6.—(1)** Every person who receives a grant or distribution of money under this Act or the youth employment program shall, at such times and in such manner as may be prescribed, or in accordance with the provisions of an agreement under section 5, make a return to the Minister in the prescribed form. Returns

(2) Every person who fails to make a return as and when required by subsection 1 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500. Offence

**7.** The Minister, or any person designated by him in writing, may at all reasonable times enter into any premises or place where any business is carried on or any property is kept, or any thing is done in connection with any business or any books or records are or should be kept pursuant to the provisions of this Act or the regulations to ensure that the provisions of this Act and the regulations are being complied with. Inspection

**8.—(1)** Upon an inspection under section 7, the person inspecting, Powers of inspector

- (a) is entitled to free access of all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, providing that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,



and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or other thing required by the person inspecting for the purposes of the inspection.

Copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by the inspector is admissible in evidence in any action, proceeding or prosecution as being of actual proof of the original.

Offence

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$10,000.

Non-disclosure

(4) No person employed in the administration or enforcement of this Act shall disclose information obtained under this Act, except where the disclosure is necessary for the administration or enforcement of this Act or where the disclosure is required by a court for the purposes of an action, prosecution or proceeding.

Offence

**9.**—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in related circumstances under which it was made, is false or misleading in respect of any material fact or omits to state any material fact, the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$10,000.

Saving

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading, and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Recovery of grant made on basis of false application

**10.** Where any person obtains a grant or disbursement of funds under this Act or the regulations, on the basis of information that is false or misleading or an application that contains any false or misleading statement, the amount of such grant or disbursement together with interest thereon at the prescribed rate, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

Regulations

**11.** The Lieutenant Governor in Council may make regulations establishing, amending or revoking a youth employment program and fixing the time of commencement and duration of the program, and, without restricting the generality of the foregoing,

- (a) prescribing the amounts of grants that may be made under the program to employers;
- (b) prescribing the terms and conditions upon which grants under the program may be made;
- (c) prescribing the manner in which eligibility for grants shall be determined;
- (d) prescribing the manner and method by which grants under the program shall be made;
- (e) prescribing the books and records to be kept by employers relating to employees in respect of whom grants under the program may be made;
- (f) prescribing the information and returns to be filed by employers in connection with the program;
- (g) prescribing the rate of interest for the purposes of section 10;
- (h) defining any word or expression used in this Act or the regulations that has not already been expressly defined in this Act;
- (i) prescribing any matter that is required or permitted by this Act to be prescribed by regulation;
- (j) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

**12.** Notwithstanding *The Summary Convictions Act*, proceedings to enforce any provision of this Act or the regulations may be instituted within two years after the time the subject-matter of the proceedings arose. Institution of proceedings R.S.O. 1970, c. 450

**13.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1978, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

**14.** This Act comes into force on the day it receives Royal Assent. Commencement

**15.** This Act may be cited as *The Ontario Youth Employment Act, 1977*. Short title

An Act to provide  
Employment Opportunities for Youth  
in Ontario

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

An Act to amend The Retail Sales Tax Act



THE HON. M. SCRIVENER  
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

In accordance with the Treasurer's Budget, this Bill,

- (a) extends the present exemption for thermal insulation materials to many other classes of energy conservation equipment;
- (b) includes in the fair value of a canned soft drink the amount of the tax to be imposed by *The Environmental Tax Act, 1977* so that retail sales tax will apply to the retail price of the canned soft drink plus the amount of the environmental tax;
- (c) exempts from tax the price of admission to a place of amusement where the price of admission is \$3 or less. Tax formerly applied when the price was more than \$.75 and will now apply only where the price exceeds \$3;
- (d) provides for exempting from tax disposable tangible personal property that is used in the provision of transient accommodation by the operators of hotels, motels, etc.;
- (e) raises from \$5 to \$6 the exemption for the price of a prepared meal;
- (f) increases the amount of compensation payable to vendors who collect retail sales tax for the Crown.

In addition, the Bill contains other amendments to clarify the provisions of the Act and to deal with taxes collected in trust for the Crown.

SECTION 1.—Subsection 1. The provision added by the amendment will include the amount of tax under *The Environmental Tax Act, 1977* as part of the purchase price of a canned soft drink (which is tangible personal property under *The Retail Sales Tax Act*) on which retail sales tax is levied.

Subsection 2. The paragraph amended defines "place of amusement". The definition is amended to make it clear that a place of amusement includes an amusement park and other places of entertainment.

SECTION 2.—Subsection 1. The amendment raises the exemption for prepared meals from \$5.00 to \$6.00.

Subsection 2. The amendment provides that tax on the price of admission is payable only when the price exceeds \$3.00. The subsection that is replaced by the amendment now reads as follows:

- (4) *Every purchaser of admission to a place of amusement shall pay to Her Majesty in right of Ontario a tax on the price of admission as follows:*

<i>Price of Admission</i>	<i>Tax</i>
<i>More than 75 cents and not more than 84 cents</i>	<i>— 6 cents</i>
<i>More than 84 cents and not more than 90 cents</i>	<i>— 7 cents</i>
<i>More than 90 cents and not more than 92 cents</i>	<i>— 8 cents</i>

*and where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission.*

## An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 4 of section 1 of *The Retail Sales Tax Act*,<sup>s. 1, par. 4, amended</sup> being chapter 415 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 23, section 1, is further amended by adding thereto the following clause:
 

(ba) the amount of the tax payable under *The Environ- 1977, c. ... mental Tax Act, 1977.*
- (2) Paragraph 7 of the said section 1 is amended by inserting<sup>s. 1, par. 7, amended</sup> after “means” in the first line “an amusement park or” and by inserting after “performance” in the sixth line “or entertainment”.
- 2.—(1) Paragraph 2 of subsection 2 of section 2 of the said Act,<sup>s. 2 (2), par. 2, re-enacted</sup> as re-enacted by the Statutes of Ontario, 1976, chapter 23, section 2, is repealed and the following substituted therefor:
 

2. prepared meals sold at a price of over \$6.00.
- (2) Subsection 4 of the said section 2 is repealed and the<sup>s. 2 (4), re-enacted</sup> following substituted therefor:
 

(4) Every purchaser of admission to a place or places of<sup>Tax on admission to a place of amusement</sup> amusement shall pay to Her Majesty in right of Ontario a tax computed at the rate of 10 per cent of the price of admission where the price of admission exceeds \$3.00.
- (3) Subsection 6 of the said section 2 is repealed and the<sup>s. 2 (6), re-enacted</sup> following substituted therefor:
 

(6) Where the Minister considers it necessary or advisable,<sup>Deter- mination of fair value</sup> he may determine the amount of any price of admission, or



the fair value of any tangible personal property or taxable service, for the purposes of taxation under this Act, and thereupon the price of admission, or fair value of such tangible personal property or taxable service, for such purpose shall be as so determined by him unless, in proceedings instituted by an appeal under section 20, it is established that the determination is unreasonable.

s. 5 (1), par. 2,  
amended

- 3.—(1) Paragraph 2 of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 23, section 4 and amended by 1976, chapter 23, section 3, is further amended by striking out “\$5.00” in the second line and in the fourth line, as inserted by the amendment of 1976, and inserting in lieu thereof in each instance “\$6.00”.

s. 5 (1), par. 2a,  
amended

- (2) Paragraph 2a of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1973, chapter 23, section 4 and amended by 1976, chapter 23, section 3, is further amended by striking out “\$5.00” in the sixth line, as inserted by the amendment of 1976, and inserting in lieu thereof “\$6.00”.

s. 5 (1), par. 24b,  
re-enacted

- (3) Paragraph 24b of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed and the following substituted therefor:

24b. materials or equipment that are used for the conservation of energy and that are,

- (a) thermal insulation materials, as defined by the Minister, that are sold primarily to insulate buildings and that are not primarily for a use prescribed by the Minister to be excluded from the exemption conferred by this paragraph,
- (b) heat pumps for use principally to provide heat in the heating system of a building,
- (c) heat recovery units or devices for extracting heat from exhaust air or waste water to recover energy,
- (d) solar cells to be used to produce directly from sunlight electricity to charge batteries,
- (e) solar furnaces, panels and tubes specially designed to collect and convert solar energy into heat for use in a solar heating system,



Subsection 3. The subsection is re-enacted to make it clear that the Minister's authority to determine fair value applies to the price of admission and to the value of taxable services. The provision being replaced by the amendment referred only to property, and created some doubt as to how far the subsection extended. The replaced subsection now reads as follows:

- (6) *Where the Minister deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him.*

SECTION 3.—Subsections 1 and 2. These amendments are consequential on the increase from \$5.00 to \$6.00 in the exemption for prepared meals.

Subsection 3. This amendment adds two paragraphs, 24b and 24c, to the list of exemptions contained in subsection 1 of section 5 of the Act.

The new paragraph 24b provides for the exemption of the classes of energy conservation equipment and material that are proposed by the Treasurer's Budget to be exempt from retail sales tax. Paragraph 24b, prior to this amendment, exempted only thermal insulation materials for existing buildings. The amendment retains this exemption, but extends it to thermal insulation materials in all buildings, and includes many other energy conserving devices. The former paragraph 24b read:

*24b. thermal insulation materials, as defined by the Minister, that are purchased exclusively to insulate a building the construction of which has been completed and that is occupied permanently or seasonally for residential purposes if, with respect to such purchase, the person selling such materials is provided with either,*

- (a) the completed exemption certificate for thermal insulation materials in the form prescribed by the Minister, and signed by the purchaser; or*
- (b) where the person acquiring such materials holds a valid permit under section 3, a single purchase exemption certificate or a blanket purchase exemption certificate issued in accordance with the regulations,*

*but the exemption conferred by this paragraph does not apply to the purchase of such materials used to insulate any commercial or industrial building, any hotel, motel or lodge or similar establishment, or any new residential premises in the process of construction.*

The new paragraph 24c provides for the exemption of tangible personal property to be consumed in the provision of transient accommodation. Transient accommodation includes the rental of hotel rooms, motel rooms, etc., and, in general, lodging for periods of less than a month. As indicated in the Treasurer's Budget, the items to be exempted under this paragraph are items such as facial tissue, matches, soap and similar items provided by hotels and motels for the temporary convenience of those to whom accommodation is rented. The list of items exempt under this paragraph will be prescribed by regulation.

SECTION 4. Pursuant to the policy announced in the Treasurer's Budget, and in consequence of the proposed increase in the amount of the price of admission that will not be liable to tax, the amendment repeals subsections 2, 3, 3a and 4 of section 7 and replaces them with a general provision for exemption, on approval of the Lieutenant Governor in Council, in special circumstances.

Section 7 presently reads as follows:

- 7.—(1) *If, owing to special circumstances, it is deemed inequitable that the whole amount of tax imposed by this Act be paid, the Minister may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from payment of the whole or any part of such tax.*
- (2) *Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant Governor in Council may, upon application of the vendor made to the Minister at least ten days before the tax would otherwise be payable, exempt the purchaser from the payment and the vendor from collection of the tax imposed by subsection 4 of section 2.*
- (3) *Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes was collected and paid to Her Majesty in right of Ontario in accordance with subsection 4 of section 2, and where the vendor files with the Minister a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of the proceeds is attached thereto, and where the Minister is satisfied that the organization is one whose operations are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, there may be paid to the organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by the organization bear to the gross amount received by the vendor as the price of admission to such place of amusement.*
- (3a) *Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement, which is a community centre as defined in and for which aid has been granted under The Community Centres Act, at or in which an entertainment has been held by a municipality, was collected and paid to Her Majesty, in right of Ontario in accordance with subsection 4 of section 2 and where the municipality files with the Minister a statement, verified by affidavit, giving in detail all receipts and expenses in connection with the entertainment and satisfies the Minister that the net proceeds were for the benefit of the municipality, there may be paid to the municipality an amount equal to that proportion of the tax so collected and paid which the net proceeds from admissions received by the municipality bear to the gross amount received by the municipality as the price of admission to such place of amusement.*
- (4) *Where application of the vendor is made to the Minister at least ten days before the tax imposed by subsection 4 of section 2 would otherwise be payable and the Minister is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Minister may, in his absolute discretion, exempt the purchaser from the payment and the vendor from the collection of the tax imposed by subsection 4 of section 2.*

- (f) windmills and wind-powered generators that produce mechanical or electrical energy, and pumps and generators specially designed for use directly with such devices,
- (g) timer-controlled thermostats for heating systems in buildings and automatic timer controls for electrical equipment,
- (h) wood-burning stoves and wood-burning furnaces, or
- (i) wind deflectors for trucks;

24c. tangible personal property that is prescribed by the Minister for the purpose of this paragraph and that is purchased by a vendor to be consumed by him in the provision of transient accommodation.

4. Subsections 2 and 3, subsection 3a as enacted by the Statutes of Ontario, 1974, chapter 7, section 3, and subsection 4 of section 7 of the said Act are repealed and the following substituted therefor: s. 7 (2),  
re-enacted;  
s. 7 (3, 3a, 4),  
repealed

(2) The Minister may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from the payment of, and a vendor from the collection of, the tax imposed by subsection 4 of section 2 with respect to the price of admission to any live performance or entertainment that is an opera, a ballet, a musical event or play or other live theatrical performance, or any live entertainment, when any such performance or entertainment is sponsored or staged by or for the benefit of any organization required to carry on its activities without the purpose of gain for its members. Idem

5. Clauses *a* and *b* of subsection 1 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 5, are repealed and the following substituted therefor: s. 11 (1) (a, b),  
re-enacted

(a) \$700; or

(b) the aggregate of,

- (i) 4 per cent of the tax collected by the vendor in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$75 or more,

- (ii) \$3 for each return with respect to tax collected by the vendor in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$3 and is less than \$75, and
- (iii) the tax collected by the vendor in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$3,

. . . . .

s. 18.  
amended

6. Section 18 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 9, section 7, is further amended by adding thereto the following subsections:

Trust money  
in liquidation  
proceedings

(2) Where, by the order of a court or otherwise, any property of a vendor is lawfully taken from his control or possession for the purposes of liquidation in receivership proceedings, winding-up proceedings or for the purpose of a distribution to creditors pursuant to a general assignment made for the benefit of creditors, an amount equal to the amount of tax that was collected by the vendor and that by subsection 1 is deemed to be held in trust for Her Majesty in right of Ontario, shall, to the extent of the amount of tax that was collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and was not remitted to the Treasurer as required by subsection 1, be deemed to be separate from, and to form no part of, the estate or property in liquidation, whether or not that amount has in fact been kept separate and apart from the vendor's own property and in trust in accordance with subsection 1.

Minister's  
certificate

R.S.C. 1970,  
c. B-3

(3) Every person who, as assignee, liquidator, administrator, receiver, receiver-manager, trustee or other like person, other than a trustee appointed under the *Bankruptcy Act* (Canada), takes control or possession of the property of any vendor holding a valid and subsisting permit issued under section 3 shall, before distributing such property or the proceeds from the realization thereof under his control, obtain from the Minister a certificate that the tax collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and not remitted by the vendor as required by subsection 1 has been paid or that security therefor acceptable to the Minister has been given, and any assignee, liquidator, administrator, receiver, receiver-manager, trustee or other like



SECTION 5. This section increases the amount of compensation payable to vendors who are responsible to collect the retail sales tax. Compensation is increased from 3 per cent a year to 4 per cent a year with a maximum of \$700 in any year. The maximum compensation was formerly \$500 in any year. In addition, the minimum compensation for each return filed by a vendor is increased from \$2 to \$3 or the tax covered by the return if the return shows the tax to be less than \$3.

SECTION 6. The amendment provides that, where a vendor who has collected tax that is trust money for the Crown goes into liquidation or receivership, the trust imposed by subsection 1 of section 18 of the Act for collected tax applies to an amount equal to the tax collected and not remitted in the year preceding the liquidation or receivership. A receiver or liquidator is required to obtain a certificate that tax collected in trust during the year is paid, and will be liable to the Crown for any loss sustained if the certificate is not obtained. The requirement to obtain the certificate applies only where the vendor has been issued a permit under section 3 of the Act, and there will be no liability if the tax collected in trust has been paid to the Crown.

SECTION 7. The amendment adds a reference to assessments made under section 15a of the Act so that overpayments of tax finally determined to be payable under an assessment pursuant to section 15a will be returned to the taxpayer with interest. Prior to the amendment, section 30 (2) of the Act had omitted a reference to assessments under section 15a, a section which was added to the Act in 1976, and this omission is now to be corrected and will be made retrospective to the date when section 15a of the Act came into force (April 7, 1976).

SECTION 8. The amendment adds to the section allowing garnishment for unpaid taxes provisions that deal with the garnishment of wages and that allow an application to a judge when a garnishee has failed to honour the garnishment. The amendment with respect to the garnishment of wages limits such garnishments to the provisions of *The Wages Act*.

person, other than a trustee appointed under the *Bankruptcy Act* (Canada), who distributes any such property or the proceeds of the realization thereof without having obtained the certificate required by this subsection is personally liable to Her Majesty in right of Ontario for an amount equal to the amount of tax that was collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and not remitted to the Treasurer as required by subsection 1.

R.S.C. 1970,  
c. B-3

7. Subsection 2 of section 30 of the said Act is amended by inserting after "15" in the fourth line "or 15a".

s. 30 (2),  
amended

8. Section 31 of the said Act is amended by adding thereto the following subsections:

s. 31,  
amended

(6) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment  
of wages  
R.S.O. 1970,  
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure  
to remit

- 9.—(1) This Act, except section 1, subsections 1 and 2 of section 2, and sections 3, 4, 5 and 7 comes into force on the day it receives Royal Assent.

Commence-  
ment

- (2) Section 7 shall be deemed to have come into force on the 7th day of April, 1976.

Idem

- (3) Subsection 2 of section 1, subsections 1 and 2 of section 2, and sections 3, 4 and 5 shall be deemed to have come into force on the 20th day of April, 1977.

Idem

- (4) Subsection 1 of section 1 comes into force on the 1st day of June, 1977.

Idem

10. This Act may be cited as *The Retail Sales Tax Amendment Act, 1977*.

Short title



An Act to amend  
The Retail Sales Tax Act

*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

THE HON. M. SCRIVENER  
Minister of Revenue

*(Government Bill)*

28N  
XB  
- B56

**BILL 48**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Relations

**An Act to amend The Land Transfer Tax Act, 1974**

THE HON. M. SCRIVENER  
Minister of Revenue

TORONTO

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## EXPLANATORY NOTES

### GENERAL

In accordance with the Treasurer's Budget, the amendments proposed in this Bill provide that the registration of conveyances of commercial, industrial or residential land will attract the same tax, whether the transferee of the conveyance is a resident of Canada or a non-resident person. Non-residents who acquire farmland or recreational land in Ontario will continue to pay tax at the higher rate. In addition to the amendments necessary to implement the Budget proposals, certain administrative amendments are proposed to facilitate the collection of tax and the fairer application of the Act.

SECTION 1. Subsection 1 defines recreational land, residential land and unrestricted land. Unrestricted land includes all land zoned for commercial or industrial use and all land having a residential assessment under *The Assessment Act* or that is in use for commercial, industrial or residential purposes. Unrestricted land does not include land that is assessed or used as farmland, recreational land or woodlands.

Subsection 2 of section 1 provides that the consideration on which tax is based when land is acquired by the foreclosure of a mortgage or charge is the lesser of the amount owing on the mortgage or charge or the fair market value of the land. Thus, where the costs secured by the mortgage at the time of foreclosure exceed the value of the land, tax is determined on the lower value.

Subclause iv of clause *m* now reads as follows:

(*m*) "*value of the consideration*" includes,

. . . . .

(iv) *in the case of a final order of foreclosure under any mortgage or charge affecting land, the amount owed under the mortgage at the time it was foreclosed, including principal, interest and all costs and expenses, other than municipal taxes, secured by the mortgage and owing at that time.*

## An Act to amend The Land Transfer Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Land Transfer Tax Act, 1974*, being chapter 8, as amended by the Statutes of Ontario, 1974, chapter 93, section 1, is further amended by adding thereto the following clauses:

(ha) “recreational land” means land that is not used exclusively as residential land and that is predominantly used for the recreation and enjoyment of its owner or lessee or those, other than persons using the land for agricultural purposes, who are permitted by such owner or lessee to be on the land;

(hb) “residential” means, when used in respect of land, the land subjacent to a building that is the main and principal residence of the occupants, whether as owners or tenants, and includes all immediately contiguous lands necessary and used for such residence;

(la) “unrestricted land” means land that,

- (i) under a by-law passed pursuant to section 35 of *The Planning Act*, or under an order made pursuant to section 32 of that Act is zoned for commercial or industrial use, or
- (ii) where subclause i does not apply, is assessed under *The Assessment Act* for residential assessment or is lawfully used and occupied or was last lawfully used or occupied for commercial, industrial or residential purposes,

s. 1 (1),  
amended

R.S.O. 1970,  
c. 349

R.S.O. 1970,  
c. 32

R.S.O. 1970,  
c. 32

and that is not assessed under *The Assessment Act*, or is not actually used, as farm or agricultural land, woodlands, recreational land or as an orchard.

s. 1 (1) (m) (iv),  
re-enacted

- (2) Subclause iv of clause *m* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(iv) in the case of a final order of foreclosure under any mortgage or charge affecting land, the lesser of,

(A) the amount owed under the mortgage or charge at the time it was foreclosed, including principal, interest and all other costs and expenses, other than municipal taxes, secured by the mortgage or charge and owing at that time, or

(B) an amount established to the satisfaction of the Minister to be equal to the fair market value of the land that is subject to the mortgage or charge.

s. 2 (1),  
re-enacted

- 2.—(1) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Tax  
imposed

- (1) Every person who tenders for registration in Ontario,
- (a) a conveyance whereby any land is conveyed to or in trust for any transferee who is not a non-resident person; or
- (b) a conveyance that is a conveyance only of unrestricted land and upon which is endorsed or to which is attached a certification by the Minister, or by some person authorized by the Minister in writing to make the certification, that all of the land being conveyed is unrestricted land,

shall, before the conveyance is registered, pay a tax computed at the rate of three-tenths of 1 per cent of the value of the consideration for the conveyance up to and including \$35,000, and at the rate of six-tenths of 1 per cent upon the remainder of the value of the consideration.

s. 2 (2),  
amended

- (2) Subsection 2 of the said section 2 is amended by inserting after "land" in the second line "that is not unrestricted land".

SECTION 2.—Subsections 1 and 2. These amendments provide that the tax rate of three-tenths of 1 per cent on the first \$35,000 and six-tenths of 1 per cent on the remainder of the consideration for the transfer of land apply to any land purchased by a Canadian resident and to any unrestricted land. The registration of a conveyance of land that is not unrestricted land will continue to attract tax at the rate of 20 per cent when acquired by a non-resident person.

Subsections 1 and 2 of section 2 of the Act now read as follows:

- (1) *Every person who tenders for registration in Ontario a conveyance whereby any land is conveyed to or in trust for any transferee who is not a non-resident person shall, before the conveyance is registered, pay a tax computed at the rate of three-tenths of 1 per cent of the value of the consideration for the conveyance up to and including \$35,000, and at the rate of six-tenths of 1 per cent upon the remainder of the value of the consideration.*
- (2) *Every person who tenders for registration in Ontario a conveyance whereby any land is conveyed to or in trust for any transferee who is a non-resident person shall, before the conveyance is registered, pay a tax computed at the rate of 20 per cent of the value of the consideration for the conveyance.*



Subsection 3. The amendment provides for applying the proper tax rate to the registration of a conveyance of unrestricted land and land that is not unrestricted land.

SECTION 3.—Subsection 1. The amendment provides that the affidavit disclosing the consideration for a conveyance of land must be made by the transferee or his agent or solicitor. This is the same requirement as for the affidavit of residence under the Act. This change will facilitate simplification of the forms under the Act and the combination of these affidavits with other affidavits required to be registered with a conveyance by other statutes. The repealed subsection 2 of section 4 differs materially from the amendment proposed only to the extent that it allowed the affidavit of consideration to be made by either the transferor or the transferee. The amendment removes the reference to transferor.

Subsection 2 of section 4 of the Act now reads as follows:

- (2) *The affidavit required by subsection 1 may be made by the person making the conveyance or by the transferee or by any person acting for either of them under a power of attorney or as an agent authorized in writing so to act, or by the solicitor for the person making the conveyance or for the transferee, or by some other person authorized in writing by the Minister to make the affidavit.*

Subsection 2. The amendment removes the requirement that, where an agent other than a solicitor makes the affidavits required by the Act, written evidence of the agent's authority be attached to the affidavit. The existence of the written authority is now to be established by a statement to that effect in the affidavit itself. The subsection to be replaced by this amendment reads as follows:

- (4) *The affidavit required by subsection 1 or 3 shall state that the person making it has personal knowledge of the facts stated in it, and there shall be filed with the affidavit the power of attorney or written authorization, if any, referred to in subsection 2 or 3.*

Subsections 3 and 4. The amendments dispense with the affidavit of residence where the land being conveyed is unrestricted land, since the same rates of tax apply regardless of the residence of the transferee.

Subsection 6 of section 4 now reads as follows:

- (6) *Except as provided in subsection 7, where a conveyance is tendered for registration without the affidavit required by subsection 3, tax is payable at the rate provided in subsection 2 of section 2, and the collector shall not register the conveyance until such tax is paid, but if it is subsequently established to the satisfaction of the Minister that, had the affidavit required by subsection 3 been furnished to the collector, tax would have been payable as provided in subsection 1 of section 2, the Minister may refund the amount paid under this subsection in excess of the tax provided for in subsection 1 of section 2.*

- (3) The said section 2, as amended by the Statutes of Ontario, <sup>s.2, amended</sup> 1974, chapter 93, section 2, is further amended by adding thereto the following subsection:

(6) Where only a part of the land being conveyed is unrestricted land and the conveyance is to or in trust for any non-resident person, the Minister may, to the extent that he considers it practicable, determine what amount of the value of the consideration for the conveyance is reasonably attributable to the unrestricted land being conveyed, and the person tendering the conveyance for registration is, notwithstanding subsection 1 or 2, liable to a tax computed at the rate of six-tenths of 1 per cent of such amount so determined, and is liable to a tax computed at the rate of 20 per cent of the amount of the value of the consideration for the conveyance that is determined by the Minister not to be reasonably attributable to the unrestricted land being conveyed. <sup>Apportionment of consideration</sup>

- 3.—(1) Subsection 2 of section 4 of the said Act is repealed <sup>s. 4 (2), re-enacted</sup> and the following substituted therefor:

(2) The affidavit required by subsection 1 shall be made, <sup>Affidavit by whom to be made</sup>

(a) by the transferee, or by one or more of the transferees, named in the conveyance;

(b) by the solicitor acting for a transferee named in the conveyance;

(c) by a person acting for a transferee named in the conveyance under a power of attorney or as an agent authorized in writing so to act; or

(d) by some other person authorized in writing by the Minister to make the affidavit.

- (2) Subsection 4 of the said section 4 is repealed and the <sup>s. 4 (4), re-enacted</sup> following substituted therefor:

(4) The affidavit required by subsection 1 or 3 shall state that the person making it has personal knowledge of the facts stated in it, and shall state, where applicable, that the power of attorney or written authorization, if any, referred to in subsection 2 or 3 has been given, the date upon which such power of attorney or written authorization was executed, and the name of the person executing such power of attorney or written authorization. <sup>Affidavits, what to contain</sup>

s. 4 (6),  
amended

- (3) Subsection 6 of the said section 4, as amended by the Statutes of Ontario, 1974, chapter 93, section 3, is further amended by striking out "7" in the amendment of 1974 and inserting in lieu thereof "7 or 8".

s. 4,  
amended

- (4) The said section 4 is further amended by adding thereto the following subsection:

Affidavit  
as to  
residence not  
required

(8) Notwithstanding subsection 3, where a conveyance tendered for registration has endorsed upon it or attached to it the certification in accordance with clause *b* of subsection 1 of section 2 that all of the land being conveyed is unrestricted land, no affidavit is required under subsection 3 on the tender of such conveyance for registration.

s. 8,  
amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 93, section 5, is further amended by adding thereto the following subsection:

Refunds on  
conveyances  
of  
unrestricted  
land

(4) Where tax has been paid with respect to the registration of a conveyance of unrestricted land to or in trust for a non-resident person, and it is established to the satisfaction of the Minister that the certification in accordance with clause *b* of subsection 1 of section 2 was erroneously refused after full and complete disclosure of all relevant circumstances and facts to the person requested to make the certification, the Minister may refund any tax that would not have been payable had the certification been properly given, provided that application for such refund is made within three years of the payment of the tax of which a refund is sought.

s. 12 (4),  
re-enacted

5. Subsection 4 of section 12 of the said Act is repealed and the following substituted therefor:

Limitation  
on  
assessment

(4) The Minister may assess or reassess any person for any tax payable by him under this Act within four years from the day such tax became payable, except that, where the Minister establishes that a person has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in supplying any information under this Act, in making any affidavit required by this Act, or in omitting to disclose any information, the Minister may assess or reassess at any time he considers reasonable the tax payable by such person.

ss. 14a, 14b,  
enacted

6. The said Act is further amended by adding thereto the following sections:

Recovery  
of tax

14a.—(1) Upon default of payment of an amount assessed under section 12,

SECTION 4. The amendment provides for refunds of tax paid at the higher rate on land that is later established to have been unrestricted land and taxable at the lower rates.

SECTION 5. The amendment provides that an assessment of tax must be made within four years unless there has been misrepresentation or fraud, in which case the four year limitation does not apply. The subsection replaced by this amendment reads as follows:

- (4) *The Minister may, at any time he considers reasonable, assess or reassess any tax payable by any person under this Act.*

SECTION 6. The amendment adds two new sections to the Act, sections 14a and 14b. These sections add to the Act provisions similar to those in the other revenue statutes of the Province, and enable the Minister to recover unpaid tax by action in the courts, by execution or by garnishment.





- (a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person assessed for tax under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Compliance  
to be  
proved by  
affidavit

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of the Crown.

Remedies  
for recovery  
of tax

14b.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Garnishment



Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability  
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service on  
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Garnishment  
of wages  
R.S.O. 1970,  
c. 486

(6) Subject to the provisions of *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Failure  
to remit

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.



SECTION 7.—Subsection 1. The clauses being repealed enabled the Minister, with the approval of the Lieutenant Governor in Council, to defer or remit tax on the condition that a non-resident corporation acquiring land would become a resident corporation. These clauses are considered no longer to be required now that commercial, industrial and residential land can be acquired by a non-resident person at the lower rates of tax.

Subsection 2. The amendment provides that, where the lessee of land acquires the remaining interest in the land from the lessor, the consideration paid to the lessor can be reduced by the amount of the consideration on which the lessee paid tax under this Act when he acquired his leasehold interest. This provision will only apply where the lease, at the time the lessee acquired it, was for more than fifty years. Leases for a shorter term do not attract tax under the Act. On the leases that are taxable, the tax is based on the fair market value of the land leased, and the amendment will prevent the lessee from paying tax on the same consideration a second time when he acquires the lessor's remaining interest in the land.

7.—(1) Subsection 1 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 93, section 7, is amended by adding “or” at the end of clause *c* and by striking out clauses *e*, *f* and *g*. s. 16 (1).  
amended

(2) The said section 16, as amended by the Statutes of Ontario, 1974, chapter 93, section 7, is further amended by adding thereto the following subsection: s. 16.  
amended

(5a) Where a person entitled to the leasehold interest in land acquires the freehold interest therein, the value of the consideration for the conveyance to that person of the freehold interest may be reduced by the amount of the value of the consideration for the conveyance by which such person acquired his leasehold interest in the land if the value of that consideration was determined under sub-clause *v* of clause *m* of subsection 1 of section 1 and if tax was computed and paid with respect to the value of that consideration so determined, but the reduction shall not exceed the value of the consideration for the conveyance of the freehold interest. Reduction of  
consideration  
on lessee  
acquiring  
freehold

8. This Act shall be deemed to have come into force on the 20th day of April, 1977. Commence-  
ment

9. This Act may be cited as *The Land Transfer Tax Amendment Act, 1977*. Short title

An Act to amend  
The Land Transfer Tax Act, 1974

*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

THE HON. M. SCRIVENER  
Minister of Revenue

*(Government Bill)*

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B 56

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

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An Act to amend The Land Speculation Tax Act, 1974

THE HON. M. SCRIVENER  
Minister of Revenue

TORONTO

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## EXPLANATORY NOTES

Proposed amendments to *The Land Transfer Tax Act, 1974* necessitate some changes to *The Land Speculation Tax Act, 1974*.

Dispositions of designated land by a change in the ownership of shares of a corporation to non-resident persons within the meaning given to that expression in *The Land Transfer Tax Act, 1974*, will not attract the tax imposed under section 2 (2) of the Act where the designated land being conveyed is "unrestricted land" as defined in amendments to *The Land Transfer Tax Act, 1974* proposed by the Treasurer in his Budget.

The period during which investment property must be held in order to qualify for a complete reduction of tax is reduced from ten to five years. Apportionment for both the investment property reduction and the farm property reduction is now provided for on a monthly rather than annual basis. Certain time periods during which farm land is leased may now be included in the period during which the farm tax reduction may be earned.

A further amendment recognizes that where a transferor grants a taxable lease and then reacquires the rights under that lease, he should be given a write-up to the fair market value of the designated land underlying the lease as of the date of such taxable disposition, thereby recognizing that such transferor has paid tax on the increase in the value of the designated land up to that date.

In addition, certain administrative amendments are proposed to facilitate the collection of tax and the fairer application of the Act.

SECTION 1.—Subsection 1. The amendment is consequential on the addition of the new sub-subclause "BC", added by subsection 2.

Subsection 2. The addition of sub-subclause BC establishes the acquisition cost of a transferor who has granted a lease having a term of more than fifty years which was a taxable disposition and then at a later date reacquires the rights under that lease at a time when the lease has less than fifty years to run. In this case, the transferor has paid tax on any increase in the value of the land up to the date he granted the lease over fifty years. Thus, where he reacquires the rights under that lease, his acquisition cost is the fair market value of the land as of the date he granted the original lease.

Subsection 3. This amendment is consequential on the addition of the new sub-subclause "BC".

Subsection 4. The Act presently provides that, where land acquired before April 9, 1974 is being disposed of, the transferor may use the higher of the fair market value of the designated land on that date or its actual cost of acquisition to him prior to that date. This amendment allows the cost of improvements made to the land by the transferor prior to April 9, 1974 to be added to the actual acquisition cost option so that a person holding land at April 9, 1974 will not be penalized by the fact that he has improved the land beyond its actual fair market value ascertained as of April 9, 1974.

BILL 49

1977

**An Act to amend  
The Land Speculation Tax Act, 1974**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Sub-subclause A of subclause i of clause *a* of subsection 1 of section 1 of *The Land Speculation Tax Act, 1974*, being chapter 17, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is further amended by inserting after “BB,” in the amendment of 1974 “BC,”. s. 1 (1) (a)  
(i) (A),  
amended
- (2) Subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding thereto the following sub-subclause: s. 1 (1) (a) (i),  
amended
  - (BC) as the result of his reacquisition otherwise than by a disposition described in subclause iii of clause *d*, of the rights under a lease or similar arrangement that, when originally granted or effected, was a disposition by him within the meaning of subclause iii of clause *d*, that amount that was determined to be the proceeds of disposition in accordance with subclause iv of clause *l* with respect to such original disposition by him.
- (3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is further amended by inserting after “BB” in the amendment of 1974 “, BC”. s. 1 (1) (a)  
(i) (C),  
amended
- (4) Subclause ii of clause *a* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is repealed and the following substituted therefor: s. 1 (1) (a) (ii),  
re-enacted

- (ii) where the designated land was acquired by the transferor on or before the 9th day of April, 1974, the higher of either the fair market value of the designated land ascertained as at the 9th day of April, 1974, or the sum of the cost to the transferor of the acquisition of the designated land and the cost of improvements made by him on or before the 9th day of April, 1974.

s. 1,  
amended

- (5) The said section 1 is further amended by adding thereto the following subsections:

Disposition  
of reversion

(13) Where the transferor is disposing of the fee simple in designated land that is, at the time of such disposition, subject to a lease or other similar arrangement that was originally granted or effected by him, he may, in lieu of the amount required by subclause i or ii of clause *a* of subsection 1 to be added to the adjusted value applicable to such disposition, add an amount equal to either,

- (a) the fair market value of the whole interest in the designated land, ascertained as of the 9th day of April, 1974, if such lease or similar arrangement was granted or effected on or before that date; or
- (b) an amount equal to the fair market value of the whole interest in the designated land at the date of the disposition made by him after the 9th day of April, 1974 by which such lease or similar arrangement was granted or effected and the proceeds of which were required to be determined in accordance with subclause iv of clause *l* of subsection 1.

Proceeds of  
disposition  
deemed not  
to have  
arisen

(14) Sub-subclause B of subclause i of clause *a* of subsection 1 as it appears on the day this subsection comes into force shall be deemed to have been in force on and after the 9th day of April, 1974 and with respect to the death of any person on or after that date resulting in a disposition described in subclause iv of clause *d* of subsection 1, no proceeds of disposition shall be deemed to have arisen.

s. 2 (2),  
re-enacted

- 2. Subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

Idem

(2) Where there is a disposition within the meaning of subclause vi or vii of clause *d* of subsection 1 of section 1 of any designated land that is not unrestricted land, as defined in *The Land Transfer Tax Act, 1974* and the result of the

1974, c. 8

Subsection 5. This amendment has the effect of making a previous amendment to the Act retroactive to April 9, 1974 thus giving all persons who have taken land as the result of a death occurring on or after April 9, 1974, an acquisition cost equal to the fair market value of the property on the date of the death.

Subsection 6. This amendment provides an acquisition cost for a transferor disposing of the reversionary interest in land that is subject to a lease previously granted by him. If he granted the lease before April 9, 1974, he may include in his adjusted value the fair market value of the whole interest in the land as of April 9, 1974 or if he granted the lease having a term of more than fifty years after April 9, 1974, he is given a write-up to the fair market value of the whole interest in the land as of the date of such taxable disposition.

SECTION 2. The re-enactment provides that a disposition of designated land by a change in the ownership of the shares of a corporation to a non-resident person under *The Land Transfer Tax Act, 1974* will not attract the tax imposed by subsection 2 of section 2 of the Act where the designated land is "unrestricted land" within the meaning given to that expression in *The Land Transfer Tax Act, 1974* which will be amended as proposed in the Treasurer's Budget and *The Land Transfer Tax Amendment Bill* introduced contemporaneously with this Bill.

SECTION 3.—Subsection 1. This amendment removes from section 4 (d) of the Act the reference to “tourist resorts prescribed by the Minister by regulation” since tourist resorts are treated as commercial property under the Act and thus it has not been necessary for such a regulation to be passed.

Subsection 2. This amendment provides that for the purposes of section 4 (g) of the Act the date of disposition will be the time when the purchaser is first entitled to call for delivery of a conveyance of the designated land. This means that in order to claim the exemption provided for in section 4 (g) a transferor will have to construct a structure on the land worth 40 per cent of the proceeds of disposition or renovate to the extent of 20 per cent of his acquisition cost by the time of closing of the transaction rather than by the time the agreement for sale is entered into.

SECTION 4. This amendment adds a new clause that relates to the recreational property exemption described in section 4 (f) of the Act. That exemption is lost if the recreational property is sold to a non-resident and the amendment provides that in respect to the residency requirement set out in that clause, the transferor may claim the exemption if he obtains from the purchaser a residency affidavit in the form required under *The Land Transfer Tax Act, 1974* showing that the purchaser is not a non-resident person.

SECTION 5. This amendment limits the time during which the Minister may assess any person for tax under the Act to four years from the time the tax became payable except for cases of misrepresentation or fraud in which cases the Minister may assess at any time considered reasonable.



disposition is that control of the corporation beneficially interested in the designated land is exercisable by a person or a group of persons different from those by whom control of the corporation was exercisable before the disposition, there shall be imposed and levied, for the uses of Her Majesty in right of Ontario, upon the designated land a tax, in addition to the tax imposed by subsection 1, calculated on the proceeds of disposition of the designated land that is not unrestricted land, as defined in *The Land Transfer Tax Act*, 1974, c. 8 1974 and computed at the rate of 20 per cent of such proceeds of disposition where the corporation beneficially interested in the designated land is, immediately after the disposition has occurred, a non-resident corporation as defined in *The Land Transfer Tax Act*, 1974.

3.—(1) Clause *d* of section 4 of the said Act is amended by <sup>s. 4 (d),</sup> striking out “as a tourist resort of a class, kind or designation prescribed by the Minister by regulation, or” in the second, third and fourth lines. <sup>amended</sup>

(2) Clause *g* of the said section 4 is amended by adding at the end thereof “and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression ‘time of the disposition’ means the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of the disposition, as defined in this clause”. <sup>s. 4 (g),</sup> <sup>amended</sup>

4. The said Act is amended by adding thereto the following section: <sup>s. 4a,</sup> <sup>enacted</sup>

4a. Notwithstanding clause *f* of section 4, the exemption conferred by that clause may be claimed by a transferor if, at the time he claims the exemption, the person to whom the designated land is disposed of, has furnished to the transferor claiming the exemption the affidavit described in subsection 3 of section 4 of *The Land Transfer Tax Act*, 1974 showing that such person is not a non-resident person as defined in that Act. <sup>When</sup> <sup>exemption</sup> <sup>may be</sup> <sup>claimed</sup>

5. Subsection 4 of section 8 of the said Act is repealed and the following substituted therefor:

(4) The Minister may assess or reassess any tax payable by any person under this Act within four years from the day <sup>Assessment</sup> <sup>from time</sup> <sup>to time</sup>



such tax became payable except that, where the Minister establishes that any person liable to tax has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in making any affidavits or applications or in supplying any information under this Act or in omitting to disclose any information, then the Minister may assess or reassess tax imposed by this Act at any time he considers reasonable.

s. 20 (2),  
amended

- 6.—(1) Subsection 2 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 121, section 5, is amended by striking out “one-tenth thereof for each full twelve-month period up to a maximum of ten such periods” in the fourth, fifth and sixth lines and inserting in lieu thereof “ $1\frac{2}{3}$  per cent of such taxable value for each full month up to a maximum of sixty full months”.

s. 20 (3),  
amended

- (2) Subsection 3 of the said section 20, as enacted by the Statutes of Ontario, 1974, chapter 121, section 5, is amended by striking out “one-tenth thereof for each full twelve-month period up to a maximum of ten such periods” in the seventh, eighth and ninth lines and inserting in lieu thereof “five-sixths of one per cent of such taxable value for each full month up to a maximum of 120 full months”.

s. 20,  
amended

- (3) The said section 20 is further amended by adding thereto the following subsection:

Leased  
farm  
property

- (4) For the purposes of clause *b* of subsection 3, farming is deemed to have been carried on where the designated land was leased to a person who carried on farming on it and,

(a) the time during which such designated land was so leased does not exceed thirty-six months in the uninterrupted period of time determined in accordance with clauses *a*, *b*, and *c* of subsection 3; and

(b) not more than twenty-four of the months during which such designated land was so leased are comprised in the thirty-six months immediately preceding, and ending on, the day on which the disposition referred to in clause *a* of subsection 3 occurs.

s. 22a (2),  
amended

7. Subsection 2 of section 22a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 121, section 7, is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”.

Commence-  
ment

8. This Act shall be deemed to have come into force on the 20th day of April, 1977.

SECTION 6.—Subsection 1. This amendment reduces the period from ten to five years during which a property must be held as an investment property in order to qualify for exemption from tax and provides for the apportionment of the investment property tax reduction on a monthly basis rather than on an annual basis.

Subsection 2. This amendment provides for the apportionment of the farm property tax reduction on a monthly basis rather than on an annual basis.

Subsection 3. This amendment provides that the period during which the farm tax reduction may be earned under section 20 (3) of the Act will not be deemed to be interrupted where the land is leased for farming and the period of leasing is not greater than thirty-six months and where no more than twenty-four of those months are included in the last three years of the uninterrupted period.

SECTION 7. This amendment makes the use of the eligible disposition section permissive rather than mandatory.



- 9.** This Act may be cited as *The Land Speculation Tax Amendment Act, 1977*. Short title

An Act to amend  
The Land Speculation Tax Act, 1974

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. M. SCRIVENER  
Minister of Revenue

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*(Government Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

An Act to amend The Corporations Tax Act, 1972

THE HON. M. SCRIVENER  
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTES

SECTION 1. This section adds clause *x* to subsection 1 of section 24 of the Act to permit the deduction from the income of oil and gas corporations of a resource allowance in respect of their oil and gas wells and oil sands operations.

SECTION 2. This section re-enacts subsections 1 and 2 of section 62 of the Act in order to allow the depletion allowance in respect of oil and gas corporations to be adjusted as a result of the resource allowance provided by the amendment to section 24 of the Act. Also the rate of depletion allowance will be stated in the regulations rather than in the Act. This amendment is complementary to the amendment in section 1.

## An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Corporations Tax Act, 1972*, <sup>s. 24 (1), amended</sup> being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 5, 1974, chapter 75, section 3, 1975, chapter 17, section 8 and 1976, chapter 32, section 4, is further amended by adding thereto the following clause:

(x) such amount as is allowed to the corporation by <sup>Resource allowance</sup> regulation in respect of oil or gas resources in Canada, as defined by regulation.

2. Subsections 1 and 2 of section 62 of the said Act, as re-enacted <sup>s. 62 (1, 2), re-enacted</sup> by the Statutes of Ontario, 1974, chapter 75, section 4, are repealed and the following substituted therefor:

(1) Except as otherwise provided in this section, there <sup>Allowance for oil or gas well, mine or timber limit</sup> may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

- (a) an oil or gas well, mineral resource or timber limit; or
- (b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed by regulation.

(2) For greater certainty, it is hereby declared that, in <sup>Regulations</sup> the case of a regulation made under subsection 1,

- (a) there may be prescribed by such regulation an amount in respect of any or all,

- (i) oil or gas wells or mineral resources in which the corporation has an interest, or
- (ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 126 (2) (*b*),  
re-enacted

**3.** Clause *b* of subsection 2 of section 126 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 42, section 11, is repealed and the following substituted therefor:

(*b*) its rest account and all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of Part II; and

ss. 131, 132,  
re-enacted

**4.** Sections 131 and 132 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 42, sections 14 and 15, respectively, are repealed and the following substituted therefor:

Rate of  
capital tax  
on non-  
banking  
corporations

131.—(1) Except as provided in subsection 2, the tax payable under this Part by a corporation for a fiscal year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the “amount taxable”, is three-tenths of 1 per cent of the amount taxable.

Rate of  
capital tax  
on banks

(2) The tax payable under this Part by a bank for a fiscal year calculated upon its taxable paid-up capital, in this subsection referred to as the “amount taxable”, is three-fifths of 1 per cent of the amount taxable.

Deductions  
from tax on  
paid-up  
capital

132.—(1) Except as provided in subsection 2, there may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to three-tenths of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, that is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

SECTION 3. This section re-enacts clause *b* of subsection 2 of section 126 of the Act to clarify the amount in respect of reserves that is to be included in the taxable paid-up capital of corporations that carry on the business of banking.

SECTION 4. This section re-enacts section 131 of the Act to increase by 50 per cent the rate of tax on taxable paid-up capital. For corporations other than banking corporations, the rate is increased to three-tenths of 1 per cent (previously one-fifth of 1 per cent), and for banking corporations the rate is increased to three-fifths of 1 per cent (previously two-fifths of 1 per cent).

The re-enactment of section 132 is complementary to the amendment to section 131.

SECTION 5. This section enacts a new section 133*a* of the Act to provide a flat rate of tax on the taxable paid-up capital, in the amount of \$50 where the taxable paid-up capital used in Ontario does not exceed \$50,000, and \$100 where the taxable paid-up capital used in Ontario exceeds \$50,000 but does not exceed \$100,000.

SECTION 6. This section re-enacts section 136 of the Act to make it clear that the apportionment allowed under that section does not apply to the \$50 minimum tax provided under section 133 of the Act.

(2) There may be deducted from the tax otherwise payable under this Part by a bank for a fiscal year an amount equal to three-fifths of 1 per cent of that portion of its taxable paid-up capital, that is deemed to be used by the bank in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations. <sup>Idem</sup>

5. The said Act is amended by adding thereto the following section: <sup>s. 133a, enacted</sup>

133a.—(1) Notwithstanding sections 131 and 132 and except as provided in subsections 1 and 2 of section 135, the tax payable under this Part shall be, <sup>Flat rate tax</sup>

(a) \$50, where the taxable paid-up capital used in Ontario does not exceed \$50,000; or

(b) \$100, where the taxable paid-up capital used in Ontario exceeds \$50,000 but does not exceed \$100,000.

(2) For the purposes of subsection 1, “taxable paid-up capital used in Ontario” means the taxable paid-up capital, or taxable paid-up capital employed in Canada, as the case may be, less that portion thereof that is deemed to be used by the corporation in the fiscal year in a jurisdiction outside Ontario determined under rules prescribed by the regulations. <sup>Interpretation</sup>

6. Section 136 of the said Act is repealed and the following substituted therefor: <sup>s. 136, re-enacted</sup>

136. Subject to section 133, where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under this Part shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply, <sup>Apportionment of capital tax</sup>

(a) to any corporation to which section 135 applies; or

(b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

- 7.—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent. <sup>Commencement and application</sup>

(2) Section 4 shall be deemed to have come into force on the 20th day of April, 1977 and applies to corporations <sup>Idem</sup>



in respect of all fiscal years ending after the 19th day of April, 1977, except that in determining the tax payable under Part III of the said Act, as amended by this Act, by a corporation in respect of which section 133a of the said Act is not applicable, for a fiscal year that ends after the 19th day of April, 1977 and that includes that day, the following rules apply,

- (a) determine the tax under Part III of the said Act, as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for a fiscal year that ends after the 19th day of April, 1977 and that includes that day;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year that follow the 19th day of April, 1977 bears to the total number of days of that fiscal year;
- (c) determine the tax that, but for the rules made applicable by this section, would be payable for the fiscal year that ends after the 19th day of April, 1977, and that includes that day, under Part III of the said Act, as that Part stood prior to the 20th day of April, 1977, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 20th day of April, 1977 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the tax under Part III of the said Act, as amended by this Act, that is payable by the corporation for its fiscal year that ends after the 19th day of April, 1977 and that includes that day.

Idem

- (3) Section 5 shall be deemed to have come into force on the 20th day of April, 1977 and applies to corporations in respect of all fiscal years that end after the 19th day of April, 1977.

Short title

- 8. This Act may be cited as *The Corporations Tax Amendment Act, 1977*.







An Act to amend  
The Corporations Tax Act, 1972

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. M. SCRIVENER  
Minister of Revenue

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*(Government Bill)*

112-400  
X15  
B56

**BILL 51**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to amend The Gift Tax Act, 1972**



THE HON. M. SCRIVENER  
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



## EXPLANATORY NOTES

This Bill implements the proposal in the Treasurer's Budget to increase from \$5,000 to \$10,000 the exemption for gifts to individuals and to increase from \$25,000 to \$50,000 the aggregate amount of such gifts for which exemption may be claimed in a year. In addition, the Bill re-introduces, with slight modifications, the amendments proposed at the last session of the Legislature by Bill 134, which was not enacted before the session ended.

SECTION 1. The amendments proposed in this section are designed to bring definitions now in the Act into conformity with the definitions of child and common law wife contained in proposals made in *The Succession Law Reform Act, 1977* (Bill 8 now before the Legislature). The definitions do not literally correspond with those contained in Bill 8 because of the differences in purpose between that Bill and *The Gift Tax Act, 1972* and because the expressions are differently defined in different parts of Bill 8.

Paragraphs 5 and 24 of section 1 of *The Gift Tax Act, 1972* presently read as follows:

5. "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the making of a gift by a donor with whom she was residing, been publicly represented by the donor as his wife, and "common law husband" has a corresponding meaning;

. . . . .

24. "spouse" includes a common law wife or common law husband.

## An Act to amend The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Gift Tax Act, 1972*, being chapter 12, as amended by the Statutes of Ontario, 1973, chapter 165, section 1, is further amended by adding thereto the following paragraph: s. 1,  
amended

4a. "child" means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relates to the effect of adoption) and includes a person in respect of whom another has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in a foster home for valuable consideration by a person having lawful custody of him. R.S.O. 1970,  
c. 64

- (2) Paragraph 5 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 5,  
re-enacted

5. "common law spouse" means either of a man and a woman who, not being married to each other, have cohabited,

- i. continuously for a period of not less than five years, or
- ii. in a relationship of some permanence where there is a child born of whom they are the natural parents,

and have so cohabited within the six months preceding the time at which a determination of their relationship is relevant for the purposes of this Act.

s. 1, par. 24,  
re-enacted

- (3) Paragraph 24 of the said section 1 is repealed and the following substituted therefor:

24. "spouse" includes a common law spouse.

s. 2 (1) (a),  
re-enacted

2. Clause *a* of subsection 1 of section 2 of the said Act is repealed the following substituted therefor:

(a) persons are connected by blood relationship if one is a lineal descendant of the other or if one is the brother or sister of the other, and in determining any such descent or relationship, a person who is a child for the purposes of this Act shall be deemed to be legitimately born of the person or persons of whom he is a child for the purposes of this Act.

s. 6,  
re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Promises  
to pay as  
consideration

6. For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money at a time in the future, at a rate of interest less than the rate of interest prescribed in the regulations, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations.

s. 10 (1),  
amended

4. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 165, section 2, 1975, chapter 15, section 1 and 1976, chapter 11, section 1, is further amended by adding thereto the following clause:

(ga) the value of any beneficial interest given by a donor to his spouse by way of a gift made by the creation of a settlement or the transfer of property to a trust, if such settlement or trust,

(i) is made in writing,

(ii) contains no provision by which any part of the settlement or trust can be revoked, altered or amended in any way by any person,

(iii) provides that, during the lifetime of the donor's spouse, all property or benefits received by the trustee or trustees as income of, or determined by the trustee or trustees to be income of, such settlement or trust shall be held for or paid to only the donor's spouse or such spouse's executors or administrators,

SECTION 2. The re-enactment of clause *a* is consequential on the definitions proposed in the amendments in section 1 of the Bill. The provisions of the Act that are to be replaced by this amendment read:

2.—(1) *For the purposes of this Act,*

(a) *persons are connected by blood relationship if one is a lineal descendant of the other or one is the brother or sister of the other;*

SECTION 3. The amendment clarifies the wording of section 6 so that promissory notes for non-arm's length transactions will be discounted only when the rate of interest provided for in that note is less than the rate prescribed by regulation, now 5 per cent per annum. The provision to be repealed reads as follows:

6. *For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money, with or without interest, at a time in the future, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations.*

SECTION 4. The amendment will enable a donor to give to his spouse gifts exempt from tax by way of a trust or settlement. The Act presently denies exemption where a gift is made to a spouse by way of the creation of a settlement or the transfer of property to a trust. The exemption proposed in the amendment applies only to the value of the interest given to the spouse and only if the trust or settlement is in writing, is irrevocable, provides that all of the income earned by the trust during the lifetime of the spouse will belong to the spouse, and does not create interests in the property given in favour of unborn persons or persons whose interest is not absolutely vested in them. The value of any interest given to the beneficiary of a trust, other than the donor's spouse, will be liable to tax.

SECTION 5.—Subsection 1. The amendment increases from \$5,000 to \$10,000 the exemption for gifts to individuals otherwise than by way of trust, and increases from \$25,000 to \$50,000 the aggregate amount of the exemption for such gifts in any one year.

Subsection 1 of section 11 of the Act presently reads as follows:

(1) *In computing the taxable value of a gift, except a gift made by the creation of a settlement or the transfer of property to a trust, made by a donor in a year to a donee who is an individual, there may be deducted in the case of gifts made to persons, other than the spouse of the donor, the lesser of,*

(a) *the value of the gift; or*

(b) *the amount, if any, by which five thousand dollars exceeds the value of all other gifts, except gifts that are exempt from tax under this Act and gifts made by the creation of a settlement or the transfer of property to a trust, made by the donor to the donee in the year and before the time when the gift was made,*

*but in any year not more than an aggregate of \$25,000 may be deducted under this section from the value of gifts made by the donor in that year.*

Subsection 2. The amendment provides for the valuation of an interest other than the interest of the donor's spouse in a trust in which the interest of the donor's spouse is exempt under the amendment proposed in section 4 of this Bill.

SECTION 6. The amendment is consequential on amendments made in section 5 of the Bill. The repealed clause *b* reads:

(b) *a gift made to an individual having a value of not more than \$5,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$25,000,*

. . . . .

SECTION 7.—Subsection 1. The amendments proposed are consequential on the increased exemptions proposed in section 5 of the Bill.

Subsection 6 of section 34 of the Act presently reads as follows:

(6) *Where, for the purposes of calculating the taxable value of gifts made by a donor in a year, the donor has or is entitled, by virtue of subsection 1 of section 11, to deduct an aggregate of \$25,000, in determining the taxable value of a gift of the class described in subsection 1 of section 11 for the purpose of calculating the liability of the donee of the gift under subsection 1,*

(a) *the \$25,000 deduction minus any deduction mentioned therein, shall be apportioned pro rata among the donees of gifts of the class described in subsection 1 of section 11 made by the donor in that year on the basis of the total value of those gifts made to each donee except that not more than \$5,000 shall be apportioned to the gifts made to any one donee under this clause; and*

(b) *the taxable value of those gifts received by each donee shall be determined as the value of the gifts less the portion of the deduction apportioned to that donee.*



- (iv) immediately, absolutely and indefeasibly vests the whole beneficial interest given by the donor only in persons who are alive at the time of the gift and whose interest in such settlement or trust cannot thereafter be divested by the occurrence of any event provided for in such settlement or trust, and
- (v) contains and is subject to no discretion exercisable by any person for or in favour of any object or person other than the donor's spouse.

5.—(1) Subsection 1 of section 11 of the said Act, as amended <sup>s. 11 (1), amended</sup> by the Statutes of Ontario, 1973, chapter 165, section 3, and 1975, chapter 15, section 2, is further amended by striking out “five” in the eighth line, as inserted by the amendment of 1975, and inserting in lieu thereof “ten” and by striking out “\$25,000” in the fourteenth line, as inserted by the amendment of 1975, and inserting in lieu thereof “\$50,000”.

(2) The said section 11 is amended by adding thereto the <sup>s. 11, amended</sup> following subsection:

(3) In computing the taxable value of a gift with respect to any part of which exemption is conferred by clause *ga* of section 10, that part of the value of the property given and to which exemption under clause *ga* of section 10 does not extend shall be determined without regard to the effect thereon of any discretion that is contained in the settlement or trust described in clause *ga* of section 10 or that may otherwise be exercised to make payments out of the property that is subject to such settlement or trust or to alter the interest of any person in such settlement or trust. <sup>Computation of taxable value of gift</sup>

6. Clause *b* of subsection 1 of section 18 of the said Act, as <sup>s. 18 (1) (b), re-enacted</sup> re-enacted by the Statutes of Ontario, 1975, chapter 15, section 3, is repealed and the following substituted therefor:

- (b) a gift made to an individual having a value of not more than \$10,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$50,000,

7.—(1) Subsection 6 of section 34 of the said Act, as amended <sup>s. 34 (6), amended</sup> by the Statutes of Ontario, 1975, chapter 15, section 4, is further amended by striking out “\$25,000” in the amendment of 1975 in the fourth line and in the amend-

ment of 1975 in the eighth line and inserting in lieu thereof in each instance "\$50,000" and by striking out "\$5,000" in the amendment of 1975 in the thirteenth line and inserting in lieu thereof "\$10,000".

s. 34,  
amended

- (2) The said section 34 is amended by adding thereto the following subsection:

Non-resident  
donees

(7) Notwithstanding subsection 1, where a donor fails to pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts made by him in a year to a donee who is not a resident of Ontario at the time the gift was made, the property of such donee that is situate in Ontario at the time the gift was made, including any property in Ontario comprised in the gift to such donee, is liable for the payment to the Treasurer of Ontario of the same amount of tax as would be payable by the donee in accordance with this section if he were a resident of Ontario at the time the gift was made to him.

s. 47 (1),  
re-enacted

8. Subsection 1 of section 47 of the said Act is repealed and the following substituted therefor:

Lien  
on real  
property

(1) Where tax, interest or penalties are payable by any person under this Act, or where any property is liable for the payment of any tax, interest or penalties payable under this Act, the Minister may file or cause to be filed in the proper land registry office a certificate of lien in prescribed form against real property belonging to such person, or against any real property liable for the payment of any tax, interest or penalties payable under this Act, and setting out a description of the real property and the amount of tax, interest or penalties for which such person or property is liable, and upon the certificate's being filed, the real property described therein is, to the extent of the interest therein of any person liable to pay any tax, interest or penalties under this Act or whose property in Ontario is liable for the payment thereof, subject to a lien in favour of the Crown for the amount owing, and such lien has priority over all interests in such real property, except interests and encumbrances filed prior to the registration of the certificate and entitled to priority over the Crown.

Enforcement  
of lien

(1a) Upon the filing of the certificate referred to in subsection 1, the Minister may deliver to the sheriff of the county or district where the real property against which the certificate has been filed is situated, a warrant of execution issued by or on behalf of the Minister for the amount claimed in the certificate, together with interest accruing thereon under this Act and the costs and expenses of the sheriff, and such



Subsection 2. The subsection proposed to be added by the amendment will make the property in Ontario of those who receive gifts from a donor in Ontario but are not resident of Ontario liable to tax if the donor, on whom the primary liability for tax is imposed by the Act, does not pay the tax. The previous six subsections of section 34 impose a secondary liability for tax personally upon donees who are resident in Ontario at the time a gift is made to them. The new subsection, within the limits constitutionally imposed on the Province, extends the liability with respect to donees resident outside the Province, but the liability arises only where such donees have property within the Province.

SECTION 8. The re-enactment of subsection 1 of section 47 extends the lien now conferred by that subsection to real property in Ontario that belongs to a donee who is not resident in Ontario and whose property is, by the amendment proposed in section 7 (2) of this Bill, made liable to tax that the donor fails to pay. In addition, the wording of the proposed subsection has been changed to make it accord more precisely with the practice and procedure in Ontario. The new subsection 1a is intended to provide a method of realizing upon the lien created by subsection 1.

Section 47 (1) of the Act, before the amendments proposed here, reads as follows:

- (1) *Where tax, interest or penalties are payable by any person under this Act, the Minister may file or cause to be filed in the proper registry office or office of land titles, as the case may be, a certificate of lien in prescribed form against real property of which that person is the registered owner setting out a description of the real property and the amount of tax, interest and penalties owing by that person, and, upon the certificate being filed, the interest of that person in the land described therein is subject to a lien in favour of the Crown for the amount owing, subject to any other interests or encumbrances filed prior thereto, and the lien may be enforced in the same manner as a judgment of the Supreme Court in respect of which a certificate of judgment has been filed.*



warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown and shall entitle the Crown to payment in accordance with the priorities and preferences attaching to or resulting from the lien arising under subsection 1.

**9.**—(1) This Act, except sections 1 to 6 and subsection 1 of section 7, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Sections 3, 4, 5, 6 and subsection 1 of section 7 shall be deemed to have come into force on the 1st day of January, 1977. <sup>Idem</sup>

(3) Sections 1 and 2 come into force on a day, not earlier than the 1st day of September, 1977, to be named by proclamation of the Lieutenant Governor and such proclamation may be made before or after the 1st day of September, 1977. <sup>Idem</sup>

**10.** This Act may be cited as *The Gift Tax Amendment Act, 1977*. <sup>Short title</sup>

Bill 31  
An Act to amend  
The Gift Tax Act, 1972

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. M. SCRIVENER  
Minister of Revenue

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*(Government Bill)*

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434W  
V6  
B56  
**BILL 52**

**Government Bill**

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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

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**Government  
Publications**

**An Act to amend The Motor Vehicle Fuel Tax Act**

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THE HON. M. SCRIVENER  
Minister of Revenue

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**TORONTO**

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## EXPLANATORY NOTES

### GENERAL

The amendments proposed in this Bill are intended to implement the proposal in the Treasurer's Budget expanding the requirement for registration of those who deal in middle distillate petroleum fuels. The classes of registrant, and their duties, for the implementation of this proposal will be introduced by regulation, the power to make which is proposed as one of the amendments in this Bill. In addition, the Bill proposes many administrative amendments to the Act for the collection of tax and to facilitate the operation of the expanded system of registration.

SECTION 1. The amendment re-enacts section 2 of the Act, which deals with registrants, clarifies the requirements of registration presently in the Act, extends the section to deal with registration required by regulation, provides for hearings before refusal, suspension or cancellation of registration, and proposes a more effective penalty for contravention of the requirement to register. \*

## An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 10, section 1, is repealed and the following substituted therefor:

2.—(1) Unless he is a registrant, no person shall supply fuel that is taxable or exempt from tax under this Act or the regulations to any person, except as authorized in writing by the Minister, and every person in the business of supplying fuel for any purpose shall register with the Minister as required by this section or the regulations. s. 2,  
re-enacted  
Persons  
required to  
register

(2) Unless he is a registrant or is specifically exempted by the regulations from the application of this subsection, no person shall receive fuel as a registrant. Idem

(3) Where the Minister is satisfied that the applicant for a registration certificate will be acquiring fuel principally, Idem

- (a) for resale by the applicant;
- (b) to be used by the applicant in a manner or for a purpose that will render such fuel exempt from tax by virtue of this Act or the regulations, or that will entitle the applicant to apply to the Minister for a full refund of the tax imposed by this Act on such fuel, and that the amount of fuel to be used by the applicant will generally exceed 75 gallons of fuel per month; or
- (c) to be disposed of or consumed by the applicant in a manner prescribed by the regulations for the purpose of this subsection,



the Minister may issue a registration certificate to such applicant, and the certificate may be made subject to such conditions and restrictions as the Minister considers necessary to ensure that fuel acquired by the applicant through his use of the certificate will be dealt with by the applicant in accordance with clause *a*, *b* or *c*, as the case may be.

Idem

(4) Every person required to be a registrant under this section or the regulations shall, by such form and in such manner as the Minister requires, apply for registration, and subject to this Act and the regulations, a registration certificate shall be issued by the Minister, and every such certificate shall expire on the 31st day of March next following the date of its issue, is not transferable, and may be renewed annually if the registrant to whom it is issued is not in contravention of this Act or the regulations and continues to satisfy the conditions under which the certificate is issued.

Refusal to  
issue and  
cancellation

(5) The Minister may refuse to issue a registration certificate to any applicant, or may suspend or cancel any registration certificate, if the person to whom the certificate is issued, or if an applicant to whom a certificate has been issued, contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon which his certificate is or was issued, but, subject to subsection 6, before any refusal, suspension or cancellation is made, the applicant or registrant, as the case may be, shall be afforded an opportunity, at a hearing before the Minister or some person authorized by the Minister to hold the hearing, to show cause why the issue of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, whichever is the case.

Idem

(6) Where a registrant has failed to remit the tax that he has collected under this Act or that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the registrant and without a hearing, suspend forthwith the registrant's certificate of registration, and the notice shall state the failure of the registrant for which his certificate is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the registrant's suspension should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of  
notice

(7) The notice under subsection 6 and a notice of hearing under subsection 5 is properly served if served either by



SECTION 2. The amendment adds a subsection to provide that amounts paid in lieu of tax shall be treated as tax for the purposes of the Act.

SECTION 3. The reference to "a registrant" added by the amendment will avoid the technical commission of an offence under section 4 by a registrant who, by virtue of his being a registrant, may have fuel in his possession on which he is not required to pay tax under the Act and could not, therefore, as the section formerly stood, prove that tax had been paid.

SECTION 4. The amendments authorize the stopping of a motor vehicle. Without the amendment, section 4*a* only allows the detention of the vehicle, and the amendment will clarify that this includes the power to stop the vehicle as well as to detain it.

personal service or by registered mail sent to the last known address of the registrant or applicant, as the case may be.

(8) Every person who,

Offence

- (a) is required to become a registrant by this section or by the regulations and who fails to do so;
- (b) being a registrant, contravenes this Act or the regulations or any condition or restriction contained in his certificate of registration issued under this Act or the regulations; or
- (c) not being a registrant, supplies, disposes of, consumes or deals with any fuel in a manner that would require him to be a registrant under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with this Act or the regulations, plus an additional amount of not less than \$100 and not more than \$2,000.

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 14, section 2 and 1972, chapter 147, section 2, is further amended by adding thereto the following subsection:

(10) Where any person selling fuel receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act.

3. Subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 3, is further amended by adding at the end thereof "or that he is a registrant".

- 4.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 4, is amended by inserting after "may" in the sixth line "stop and".

s. 4a (2),  
amended

- (2) Subsection 2 of the said section 4a is amended by inserting after "be" in the first line "stopped and".

s. 5,  
amended

- 5.—(1) Section 5 of the said Act is amended by striking out "upon request therefor" in the second line.

s. 5,  
amended

- (2) The said section 5 is further amended by adding thereto the following subsection:

Respon-  
sibility of  
purchaser

- (2) Upon the request of the Minister, every purchaser of fuel and every person in control of a motor vehicle that contains fuel shall furnish to the Minister proof that the fuel was purchased from a registrant or that tax has been paid on such fuel or that no tax was payable under this Act on such fuel.

s. 7 (2),  
re-enacted

6. Subsection 2 of section 7 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 10, section 2, is repealed and the following substituted therefor:

Exception

- (2) No registrant shall collect the tax imposed by this Act on fuel supplied by him to a registrant, unless the fuel is supplied by delivering it directly into the fuel tank of a motor vehicle licensed or required to be licensed under *The Highway Traffic Act*, or unless the registrant to whom the fuel is supplied is required or permitted by this Act or the Minister to pay the tax imposed by this Act.

R.S.O. 1970,  
c. 202

s. 10b (1),  
amended

- 7.—(1) Subsection 1 of section 10b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 7, is amended by inserting after "in" in the second line "subsection 8 of section 2 or in".

s. 10b (2),  
amended

- (2) Subsection 2 of the said section 10b is amended by inserting after "under" in the first line "subsection 8 of section 2 or under" and by inserting after "collected" in the sixth line and in the seventh line "or paid".

ss. 16a, 16b,  
enacted

8. The said Act is amended by adding thereto the following sections:

Investi-  
gations

- 16a.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter and examine any motor vehicle containing fuel or enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any books or records are or should be kept pursuant to this Act or the regulations, and may,

SECTION 5. The amendment in subsection 1 removes the provision that a seller of fuel was required to provide an invoice only when requested to do so. He will now be obliged to provide the invoice without a request being made. The amendment in subsection 2 makes it clear that a purchaser of fuel or the operator of a motor vehicle that consumes fuel must furnish to the Minister proof that the fuel was purchased from a registrant, that tax was paid on the fuel, or that no tax was payable.

SECTION 6. The amendment re-enacts subsection 2 as it was previously in force and adds an exception that will allow a registrant to collect the tax from another registrant where that registrant is required to pay tax (as he might be if he were a purchaser) or where the registrant is permitted to pay tax (as some registrants do for their own convenience).

SECTION 7. The amendments are consequential on the amendment made in section 1 of the Bill.

SECTION 8. The amendment adds two new sections to the Act, sections 16*a* and 16*b*. Section 16*a* adds to the Act investigation provisions that are common in the other revenue statutes of the Province. Section 16*b* will be required to implement the expanded registration system proposed in the Treasurer's Budget. That section will require the giving of certain information by those who carry fuel in bulk in Ontario, and provides for the detention of a carrier's truck until accurate information is given. The rapidity with which fuel can be transported throughout the Province, and the fact that fuel that is taxable when it is used in a motor vehicle is the same as fuel that is exempt from tax when it is used as heating oil make it necessary to obtain the information specified in the amendment to determine that fuel purchased exempt from tax is not subsequently being put to a use that attracts tax.







- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate either to the information that is or should be in the books or records or to the amount of tax that is or should be collected, payable or remitted under this Act or the regulations;
- (b) examine any fuel or motor vehicle or the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act or that should be remitted or collected under this Act or the regulations;
- (c) require a purchaser, retailer, wholesaler, importer, registrant or an operator of a motor vehicle liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such purchaser, retailer, wholesaler, importer, registrant or operator is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such purchaser, retailer, wholesaler, importer or registrant or in the motor vehicle of such operator to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer, registrant, or from the owner or operator of a motor vehicle, or if any of them is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof, <sup>Idem</sup>

- (a) any information or a return as required under this Act or the regulations; or
- (b) production or production on oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place, or any motor vehicle containing fuel, for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production  
of evidence  
to prove  
tax payable  
by another  
person

(4) The Minister may, by registered letter or by a demand that is served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any purchaser or registrant, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(5) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing. Compliance

(7) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything that he is required by this section to do. Idem

(8) Every person who contravenes this section or who fails to provide any information or make any return requested under this section is guilty of an offence and on summary conviction is liable to a fine of \$50 for each day during which the offence continues. Offence

16b.—(1) Every person carrying fuel in a motor vehicle that is equipped to carry more than 40 gallons of fuel in a tank other than the fuel tank of the motor vehicle, and the operator of every such motor vehicle, shall, when requested by the Minister or any person authorized by the Minister, provide any or all of the following information, Information on bulk shipments of fuel

- (a) the name and address of any person from whom the fuel being carried was obtained, and the name and address of any person to whom the fuel so obtained was delivered or is to be delivered;
- (b) the quantity of fuel delivered or to be delivered to any person; or
- (c) the use or intended use, if known, to be made of any fuel delivered or to be delivered from such motor vehicle,

and where no written evidence substantiating such information is available at the time that the request is made, the person to whom the request is made shall orally supply the information and may be required to certify in writing any of such oral statements.

(2) Where the information required to be furnished by subsection 1 is not given, or where the information that is furnished is false, the motor vehicle may be detained by the Minister until the information is provided or until the true information is provided, and during any such detention, the Crown shall not be liable for any damages to the motor vehicle or to its owner or operator or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending the furnishing of the information required by subsection 1 or the furnishing of accurate information as required by subsection 1. Detention of motor vehicle

s. 21,  
amended

- 9.** Section 21 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 11 and 1975, chapter 10, section 7, is further amended by adding thereto the following subsections:

Idem

(2) The Lieutenant Governor in Council may make regulations establishing a system of registration for the purposes of this Act, and,

- (a) requiring persons who buy, sell, deal in, consume or refine any fuel, including fuel for the heating of homes and buildings, to become registrants under this Act for the purpose of accounting for, collecting or facilitating the administration of the tax imposed by this Act;
- (b) prescribing classes of registrants, the conditions and restrictions affecting any prescribed class of registrant, and the method of collecting or paying the tax imposed by this Act to be followed by any prescribed class of registrant;
- (c) prescribing the information, returns and records to be given, made or kept by any registrant or class of registrants;
- (d) requiring the registration of the operators of commercially-used motor vehicles that consume or carry fuel and that are not vehicles operated exclusively for pleasure or recreation;
- (e) exempting any person or class of persons from the application of subsection 2 of section 2.

Idem

(3) The Minister may make regulations prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

Idem

(4) A regulation, other than a regulation made under subsection 2, is, if it so provides, effective with reference to a period before it was filed.

Commence-  
ment

- 10.** This Act comes into force on the day it receives Royal Assent.

Short title

- 11.** This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1977*.

SECTION 9. The subsections added by the amendment will empower the Lieutenant Governor in Council, by subsection 2, to make regulations implementing the system of expanded registration proposed by the Treasurer for the control of middle distillate fuels. The new subsection 3 will, as in other revenue statutes of the Province, enable the Minister to prescribe forms necessary for the Act or regulations, and subsection 4 will permit regulations to have retrospective effect, except for the regulations to implement the system of expanded registration.



An Act to amend  
The Motor Vehicle Fuel Tax Act

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. M. SCRIVENER  
Minister of Revenue

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*(Government Bill)*

CADW  
XB  
- B56

**BILL 53**

**Government Bill**

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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

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Government  
Publications

**An Act to impose a Tax on Certain Pollutants of  
the Environment in Ontario**

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THE HON. M. SCRIVENER  
Minister of Revenue

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TORONTO

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#### EXPLANATORY NOTE

As proposed in the Treasurer's Budget, the Bill imposes on the consumer of canned, carbonated soft drinks in Ontario a tax of 5 cents on each canned, carbonated soft drink purchased. The tax is to be collected by those who fill the cans with carbonated soft drinks in Ontario or who import canned, carbonated soft drinks into Ontario. As stated in the Treasurer's Budget, the revenue from this tax is intended to assist the funding of major environmental projects and the construction and operation by municipalities or community organizations of collection depots and recycling or reclamation facilities.

In addition to providing for the imposition and collection of the tax on the consumer of a canned, carbonated soft drink, the Bill will also provide the administrative provisions usual in other revenue statutes of the Province.

## An Act to impose a Tax on Certain Pollutants of the Environment in Ontario

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "assessment" includes a reassessment;
- (b) "can" means a container prescribed for the purpose of this Act or any closed metal container in which soft drinks are packaged to be sold at a retail sale, and "canned" has a corresponding meaning;
- (c) "consumer" means a person who himself or through another purchases, acquires or produces a canned soft drink anywhere,
  - (i) for his consumption in Ontario of the soft drink therein contained,
  - (ii) for the purpose of consumption in Ontario by others at his expense of the soft drink therein contained, or
  - (iii) for the purpose of removing the soft drink from the can in Ontario and of selling or giving the soft drink to others to consume;
- (d) "consumption", with respect to a canned soft drink, means the utilizing in Ontario by a consumer of a canned soft drink for the purpose of the consuming or using up in any manner of the soft drink therein contained;
- (e) "collector" means a person who, whether for himself or as agent for another or in partnership or association with others,

- (i) carries on in Ontario the business of putting soft drinks into cans for the purpose of selling canned soft drinks to others for resale or consumption,
  - (ii) brings, or causes to be brought, into Ontario canned soft drinks for the purpose of selling them to others for resale or consumption, or
  - (iii) requests the Minister to make him a collector and whom the Minister consents to appoint as a collector;
- (f) "Minister" means the Minister of Revenue and "Ministry" has a corresponding meaning;
- (g) "person" means an individual, a corporation, a trust, or any association of any of them and of whatsoever kind acting in concert;
- (h) "prescribed" means prescribed by regulations;
- (i) "regulations" means the regulations made under this Act;
- (j) "retail sale", with respect to canned soft drinks, means a sale to a consumer for the purpose of consumption and not for resale;
- (k) "sale", with respect to canned soft drinks, means any transfer of title or possession thereof that is made for a price or other consideration that is payable or given before, at or after such transfer and whether such price or consideration is given in full, in instalments or on credit extended by the seller;
- (l) "soft drink" means any non-alcoholic carbonated beverage prescribed for the purpose of this clause, or any non-alcoholic carbonated beverage made of fruit juice, flavouring, sweetening, soda water, sparkling water or mineral water or any combination of any of them as the principal ingredients thereof;
- (m) "tax guarantee" means the sum of five cents for each canned soft drink as required to be collected and paid by this Act or the regulations as a security for, and guarantee of, the collection of the tax imposed by this Act and the due compliance with this Act and the regulations of those who are agents of the Minister;

(n) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2.—(1) Every consumer of a canned soft drink shall, as required by subsections 2 and 5, pay to Her Majesty in right of Ontario for the uses of Ontario a tax of five cents on each canned soft drink with respect to the consumption thereof. <sup>Tax imposed</sup>

(2) Where a canned soft drink is acquired at a retail sale in Ontario, the consumer shall pay the tax imposed by subsection 1 at the time of such sale, and where a canned soft drink is purchased outside Ontario and is brought into Ontario for consumption in Ontario by the purchaser, the tax imposed by subsection 1 is payable on the day the canned soft drink is brought into Ontario and shall be remitted to the Minister within twenty days thereafter. <sup>When tax payable</sup>

(3) The tax imposed by subsection 1 is payable in addition to any other tax payable on or with respect to the sale or consumption of a canned soft drink, and every person on whom tax is imposed by this Act remains liable therefor until the tax is paid. <sup>Tax to be separate</sup>

(4) Every person who sells a canned soft drink at a retail sale in Ontario is an agent of the Minister for the collection of the tax imposed by this Act, is accountable to the Minister for the failure to collect such tax, and shall collect the tax and account for it in accordance with this Act and the regulations, and if such person collects more tax than is required to reimburse him for the tax guarantee paid by him on his purchase of the canned soft drinks that he sells, such excess shall be remitted to the Minister by the end of the month in which it is collected or at such other time as is prescribed by the Minister. <sup>Collection of tax</sup>

(5) Every collector who is a consumer of any canned soft drink in Ontario that he has not purchased at a retail sale in Ontario, and every collector who sells any canned soft drink at a retail sale thereof in Ontario, shall, as the case requires, remit to the Minister the tax payable by such collector in respect of his consumption of any canned soft drink, or collect from the consumer of any canned soft drink purchased at a retail sale in Ontario made by the collector the tax imposed by this Act, and such tax so collected shall be remitted to the Minister by the end of the month in which it becomes payable or is collected, as the case may be, or at such other time as is prescribed by the Minister. <sup>Collector as consumer or retailer</sup>

Guarantee to  
secure tax  
collection

**3.—(1)** Every purchaser of any canned soft drink at a sale in Ontario that is neither a retail sale nor a sale with respect to which a certificate under subsection 3 is given by the purchaser shall pay to the seller at such sale a tax guarantee calculated on the number of canned soft drinks so purchased, and every person selling any canned soft drink at a sale in Ontario that is neither a retail sale nor a sale with respect to which a certificate under subsection 3 is given by the purchaser shall, as agent of the Minister, collect the tax guarantee required to be paid by the purchaser, and shall deal with the tax guarantee in accordance with this Act and the regulations.

Tax  
guarantee  
to be term  
of sale

(2) Every oral or written agreement or contract of sale with respect to which a tax guarantee is required to be paid under subsection 1 shall be deemed at law and in equity to contain a term (which may not be waived, revoked or cancelled by the parties thereto) that the tax guarantee required to be paid under subsection 1 shall be paid by the purchaser to the seller at the time of the sale and as part of the terms thereof.

Certificate  
in lieu of  
guarantee

(3) Any person holding a valid and subsisting certificate of registration issued under section 6 and purchasing in Ontario any canned soft drink to be sold by him outside Ontario may, in lieu of paying the tax guarantee required by subsection 1, certify in writing signed by him or on his behalf and containing the number of his certificate of registration issued under section 6 that the canned soft drinks being purchased are purchased for sale outside Ontario, and upon receiving such certification, the seller, unless he has reasonable cause to believe that the certification is false or incorrect, may sell the canned soft drinks referred to in the certificate under this section without collecting the tax guarantee.

Remittance  
of tax  
guarantee

(4) Every person who brings, or causes to be brought, into Ontario canned soft drinks for the purpose of selling them to others for resale or consumption shall, on the day after the day the canned soft drinks are brought into Ontario or at such other time and in such other manner as may be prescribed by the Minister, remit to the Minister a tax guarantee calculated with respect to such canned soft drinks and a statement of the number of such canned soft drinks brought into Ontario and such other information as is required by the Minister to be contained in the statement.

Collector's  
return and  
remittance

(5) Subject to subsection 4, every collector shall, in such manner and at such time or times as may be prescribed by the Minister, send to the Minister a return showing such information as is prescribed by the Minister, and shall remit



to the Minister with the return the amount of any tax guarantee collected by the collector in the period covered by the return, except such amounts as may properly be applied by the collector in accordance with subsection 6 to indemnify and reimburse himself for the amount of any tax guarantee paid by him in accordance with subsection 4.

(6) Where any person sells in Ontario any canned soft drink with respect to which, either at the time of his purchase thereof or in accordance with subsection 4, he paid a tax guarantee he shall,

Application  
of tax  
guarantee

- (a) where the sale is neither a retail sale nor a sale with respect to which a certificate under subsection 3 is given, apply the tax guarantee that he collects on such sale to indemnify and reimburse himself for the tax guarantee paid by him on his purchase of the canned soft drinks or in accordance with subsection 4, and if he collects a tax guarantee in excess of that paid by him in accordance with subsection 4 or on his purchase of the canned soft drinks being sold, such excess shall be remitted to the Minister by the end of the month in which it is collected or at such other time as is prescribed by the Minister; or
- (b) where the sale is a retail sale, collect from the consumer the tax imposed by this Act with respect to the canned soft drinks being sold, and apply such tax to indemnify and reimburse himself for the tax guarantee paid by him in accordance with subsection 4 or on his purchase of the canned soft drinks; or
- (c) where the sale is a sale with respect to which a certificate under subsection 3 is given, apply in the manner and time prescribed by the Minister for a refund of the tax guarantee paid by him in accordance with subsection 4 or on his purchase of the canned soft drinks so sold.

(7) Every person who collects or is required to pay a tax guarantee under this Act is an agent of the Minister for the purpose of collecting or paying such tax guarantee and of dealing with it as required by this Act or the regulations, and such person is liable to account to the Minister for any failure to pay, collect or deal with the tax guarantee as required by this Act or the regulations.

Duties of  
collector

(8) Every collector is an agent of the Minister for the collection of the tax guarantee that he is required to collect

and for the remittance of such guarantee to the Minister as required by this Act or the regulations, and until such remittance is made, an amount equal to the amount of any tax guarantee collected and not remitted shall be deemed to be held in trust for the Crown by the person who collected it and shall not be dealt with except in accordance with this Act or the regulations, and the amount deemed to be held in trust vests in the Crown upon the receipt by the collector of the tax guarantee that such amount represents and may not be assigned, attached, seized or appropriated by any person other than the Crown.

Tax  
guarantee  
not to bear  
interest

(9) No interest is payable by the Crown with respect to any tax guarantee paid by any person.

Deposit on  
unsecured  
inventory

**4.**—(1) As at the close of business on the 31st day of May, 1977, every person (other than a person who is a collector within the meaning of subclause i of clause e of section 1 and is registered with the Minister under section 6) having in his possession any canned soft drink for sale or intended sale shall take a full and accurate inventory of the number of canned soft drinks in his possession and shall send to the Minister by the 30th day of June, 1977, or by such other date as may be prescribed by the Minister, a report setting out the number of canned soft drinks in his possession, the quantity of such canned soft drinks that he intends to export out of Ontario, and such other information as the Minister requires to be reported.

Idem

(2) Every person who is required by subsection 1 to make a report of his inventory of canned soft drinks shall remit to the Minister with the report required by subsection 1 a tax guarantee calculated with respect to every canned soft drink in his possession for sale or intended sale in Ontario.

Payments to  
Treasurer

**5.**—(1) Where any payment required by this Act or the regulations to be remitted to the Minister is made by cheque or other bill of exchange or instrument, such cheque or other bill of exchange or instrument shall be made payable to the Treasurer of Ontario and a valid receipt for any such payment, including payments made in cash, may be given by the Minister or by any authorized person employed in the Ministry.

Payments  
in lieu  
of tax

(2) Where any person selling canned soft drinks receives any payment made as or in lieu of the tax or tax guarantee payable under this Act, such payment shall be dealt with and accounted for as tax or a tax guarantee payable under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations



is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax or tax guarantee payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax or tax guarantee payable under this Act.

(3) No person made an agent of the Minister under this Act or the regulations shall thus be made ineligible as a member of the Assembly Member of Assembly.

**6.—**(1) Every collector shall, on or before the later of Registration of collectors either,

(a) the 16th day of May, 1977; or

(b) any day after the 16th day of May, 1977 on which he becomes a collector within the meaning of clause *e* of section 1,

apply to the Minister in writing or by such form as the Minister requires for registration as a collector under this Act.

(2) Every person who, in the normal course of his business, Registration of certain retailers sells canned soft drinks at a retail sale in Ontario and who does not hold a valid and subsisting permit issued under section 3 of *The Retail Sales Tax Act* shall, on or before R.S.O. 1970, c. 415 the later of either,

(a) the 16th day of May, 1977; or

(b) any day after the 16th day of May, 1977 on which he commenced to sell, as part of the normal course of his business, canned soft drinks at a retail sale or sales in Ontario,

apply to the Minister in writing or by such form as the Minister requires for registration as a retail seller of canned soft drinks.

(3) Every person who, in the normal course of his business, Registration of exporters produces or purchases canned soft drinks in Ontario for shipment out of Ontario and who is not required to register with the Minister under subsection 1 or 2 shall, on or before the later of either,

(a) the 16th day of May, 1977; or

- (b) any day after the 16th day of May, 1977 on which he commences to ship canned soft drinks out of Ontario,

apply to the Minister in writing or by such form as the Minister requires for registration as an exporter of canned soft drinks.

Certificate of  
registration

(4) Subject to such terms and conditions for registration as may be prescribed, the Minister shall issue to every person who is required to apply for registration under this Act, who fulfills the prescribed terms and conditions, and who has applied for registration a certificate evidencing the registration and valid until the 31st day of March next following the date of issue thereof, and subject to the person's continued fulfillment of the prescribed conditions, the Minister shall renew the certificate annually upon application for such renewal.

Unregistered  
sellers

(5) No person who is required to be registered under this Act or the regulations shall, unless he holds a valid and subsisting registration certificate under this Act, sell in Ontario any canned soft drink, and where any person required to be registered under this Act or the regulations sells in Ontario any canned soft drink when he does not hold a valid and subsisting registration certificate under this Act, the Minister, in addition to any other penalty or remedy that may be imposed or exercised under this Act, may apply to the Supreme Court for, and the court may grant, an injunction prohibiting such person from selling any canned soft drink contrary to this Act or the regulations.

Suspension  
or cancel-  
lation of  
registration  
R.S.O. 1970,  
c. 415

(6) Where any person who is registered under this Act or the regulations or who holds a valid and subsisting permit issued under section 3 of *The Retail Sales Tax Act* negligently or wilfully contravenes any provision of this Act or the regulations, the Minister may, after a hearing at which such contravention is established, cancel or suspend such person's registration under this Act or his permit issued under section 3 of *The Retail Sales Tax Act*, as the case may be, or may continue such registration or permit for the period during which conditions that are accepted at the hearing by the person continue to be performed.

Immediate  
suspension

(7) Notwithstanding subsection 6, where a collector has failed to remit, as required by this Act or the regulations, the amount of any tax guarantee or tax collected or payable by him, the Minister may, by notice in writing to the collector and without a hearing, suspend forthwith the registration of the collector under this Act, and the notice shall state the

failure of the collector for which his registration is suspended and the Minister shall, within fifteen days of service of such notice, hold a hearing to determine whether the suspension should be rescinded or whether the collector's registration under this Act should be cancelled or continued only during such period as conditions accepted by the collector at the hearing are performed.

(8) The notice of a hearing under subsection 6 or 7, and <sup>Service of notice</sup> the notice of suspension under subsection 7 is properly served if served either personally or by registered mail sent to the last known address of the person to whom the notice is to be given.

7.—(1) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, the Minister may refund such amount if, within two years following the date of payment of such amount, an application for the refund is made to the Minister and it is established within such two years to the satisfaction of the Minister that the amount sought to be refunded was not payable as tax under this Act. <sup>Refund of tax</sup>

(2) Where, within two years of his payment of a tax guarantee, a person applies to the Minister and establishes to the satisfaction of the Minister that the canned soft drinks with respect to which the tax guarantee was paid, <sup>Refund of tax guarantee</sup>

- (a) were exported out of Ontario by the applicant to be sold outside Ontario by him, and were so sold; or
- (b) were lost, stolen or destroyed before they were sold by the applicant, and that full recovery or indemnity for the tax guarantee cannot be, and has not been, obtained by the applicant,

the Minister may refund to the applicant the tax guarantee paid by him with respect to such canned soft drinks or refund to the applicant the amount of such tax guarantee for which recovery or indemnity cannot be, and has not been, obtained by the applicant,

(3) Where tax or a tax guarantee has been paid by a purchaser with respect to canned soft drinks, the purchase price of which is fully refunded to him by reason of any defect in or damage to the canned soft drinks that rendered them unfit for sale or consumption by the purchaser, or by reason of the return of the canned soft drinks by the purchaser for some other reason acceptable to the seller to whom they <sup>Idem</sup>

are returned, the seller may, for those canned soft drinks the purchase price of which he has refunded in full to the purchaser, also refund to the purchaser any tax or tax guarantee paid to the seller by the purchaser with respect to those canned soft drinks, and the seller may, within two years after the refund of that tax or tax guarantee to the purchaser and if the seller has not received a refund of the tax guarantee from some other seller, apply to the Minister for a refund of the tax guarantee that was paid by the seller on his purchase of those canned soft drinks, and the Minister may make the refund applied for where the Minister is satisfied that the refund made by the purchaser to the seller was made in good faith and that a tax or tax guarantee was paid with respect to the canned soft drinks by the purchaser and a tax guarantee paid by the seller and that the seller has not received and will not receive a refund of the tax guarantee from some other person, and the payment of such tax or tax guarantees and the payment and refund of the purchase price of the canned soft drinks shall be established by invoices, receipts and such other evidence as the Minister may require before making the refund applied for.

Exception

(4) Where, as the result of,

(a) any assessment under this Act ;

(b) any decision of the Minister following a notice of objection served under this Act ; or

(c) the final decision of a court in proceedings commenced under this Act,

it is shown that an overpayment of the tax or tax guarantee payable under this Act has been made, the amount of such overpayment shall be refunded to the person who paid it notwithstanding any limitation contained in subsection 1, 2 or 3.

Recovery  
of excess  
refund

(5) Any amount refunded under this Act or the regulations in excess of the amount to which the person receiving the refund is entitled may be recovered by the Minister as though the amount were tax payable under this Act, and the provisions of this Act relating to assessment (including objection and appeal therefrom) and collection of tax apply *mutatis mutandis* to the said amount.

Interest  
on unpaid  
amounts

8.—(1) Any amount that is payable or to be remitted as tax or a tax guarantee under this Act or the regulations, or that is payable as a penalty imposed under this Act otherwise than a penalty imposed as the result of a prosecution for an



offence under this Act, bears interest at the rate prescribed and from the day on which the amount should have been paid or remitted to the day of payment.

(2) Any payment, other than the payment of a fine, to the Treasurer under this Act shall first be applied to any interest payable by the person making the payment or on whose account the payment is made. Payment first applied to interest

(3) Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable by any person under this Act be paid, the Minister may exempt a person from payment of the whole or any part of such interest. Relief from interest

**9.—**(1) The Minister may, at any time he considers reasonable, assess or reassess, Assessment

- (a) any tax that any person, as agent of the Minister, has collected and not remitted, and the interest or any penalty with respect thereto; or
- (b) any tax or tax guarantee payable by any person that has not been paid or applied as required by this Act or the regulations, and the interest or any penalty with respect thereto.

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any consumer or collector, of any person required to register with the Minister under section 6, or of any person producing or selling canned soft drinks that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall, in such manner and form and by such procedure as the Minister considers adequate and expedient, calculate the amount of any tax or tax guarantee that has not been paid or applied in accordance with this Act or the regulations, and the Minister may assess such person for such amount and for the interest or any penalty payable with respect thereto. Assessment on inspection

(3) Every person who has failed to collect, or who has failed to pay or to remit to the Minister, the tax or tax guarantee that he is responsible to collect or pay or remit under this Act or the regulations shall, when assessed therefor, pay a penalty equal to the amount of the tax or tax guarantee that he failed to collect or pay or remit but no penalty under this subsection shall be imposed with respect to tax or a tax guarantee that should have been collected, paid or remitted more than three years immediately preceding the day of the assessment therefor unless the Penalty

Minister establishes that the person assessed has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under this Act or the regulations or in omitting to disclose any information.

**Limitation**

(4) An assessment or reassessment made under subsection 1 or 2 shall be made within four years of the day the tax became payable or, in the case of a tax guarantee, within four years of the day the tax guarantee became payable or was not applied in accordance with this Act or the regulations, except that, where the Minister establishes that the person assessed has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under this Act or the regulations or in omitting to disclose any information, then the Minister may, at any time he considers reasonable, assess or reassess any tax or tax guarantee payable under this Act or the regulations or that has not been applied in accordance with this Act or the regulations.

**Erroneous refunds**

(5) The Minister may assess any person who has received a refund under this Act or the regulations and who is not entitled to such refund, and such assessment shall be for the amount of the refund to which the person is not entitled and shall be accompanied by a brief statement in writing of the grounds upon which the person assessed is claimed not to be entitled to the amount claimed in the assessment.

**Disallowance of refund**

(6) Where a person has, in accordance with this Act or the regulations, applied for a refund under this Act or the regulations, and his claim is in whole or in part refused, the Minister shall cause to be served on such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor.

**Notice of service**

(7) Where the Minister has made an assessment under this section or has issued a statement of disallowance, he shall deliver a notice of assessment or the statement of disallowance by personal service or shall send such notice of assessment or statement of disallowance by mail or registered mail to the person so assessed or to whom the statement of disallowance is issued at such person's last known address, or where such person has more than one address one of which is in Ontario, the notice or statement shall be sent to his address in Ontario, and the amount of any assessment shall, subject to subsection 8, be remitted to the Minister



by the person assessed within thirty days from the date of personal service or mailing of the notice of assessment.

(8) Where the Minister has made an assessment under this section, the notice of assessment may provide that the amount assessed is payable forthwith. Idem

(9) Liability for tax or a tax guarantee payable under this Act or the regulations is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. Continuation of liability for tax

(10) The Minister is not bound by a return or by any information delivered by or on behalf of any person under this Act or the regulations, and may, notwithstanding that any return or information has been delivered, assess the tax or tax guarantee payable under this Act. Minister not bound by returns

(11) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. Assessment valid and binding

(12) The amount of any assessment is payable within the time required by the notice of assessment whether or not an objection or appeal from the assessment is made or taken. Idem

**10.**—(1) Where a person objects to an assessment made against him or a statement served on him under section 9, he may, within ninety days of the day of mailing of the statement or notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. Notice of objection

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. Service

(3) Upon receipt of the notice of objection, the Minister shall, with all due dispatch, reconsider the assessment or statement objected to and vacate, confirm or vary the assessment or statement, or serve a fresh statement, and he shall thereupon notify the person making the objection of his action by registered letter. Reconsideration

**11.**—(1) After the Minister has given the notification required by subsection 3 of section 10, a person who has served notice of objection under section 10 may appeal to Appeal

the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 10 and an appeal under this section shall not be made to the Divisional Court.

Appeal, how  
instituted

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of  
notice of  
appeal

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to  
notice of  
appeal

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due dispatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter  
deemed  
action

(6) Upon the filing of the material referred to in subsection 5, the matter shall be deemed to be an action in the court.

Disposition  
of appeal

(7) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment.

(8) The court may, in delivering judgment disposing <sup>Idem</sup> of an appeal, order payment or refund of any tax or tax guarantee by the appellant or by the Treasurer, as the case may be, and may make such order as to cost as is considered proper.

(9) The practice and procedure of the Supreme Court, <sup>Procedure</sup> including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under subsection 6, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

(10) No assessment shall be vacated or varied on appeal <sup>Irregularities</sup> by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.

(11) The time within which a notice of objection under subsection 1 of section 10 or a notice of appeal under subsection 1 of this section is to be served may be extended <sup>Extension of time</sup> by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be.

**12.—(1)** Upon default of payment of an amount assessed <sup>Recovery of amounts payable</sup> under section 9,

- (a) the Minister may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; or
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount assessed against him under section 9 and owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown.

Compliance  
to be  
proved by  
affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act or the regulations as well as the failure of any person to comply therewith shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry.

Remedies  
for recovery  
of amounts  
owing

(3) The use of any of the remedies provided by this Act does not bar or affect any of the other remedies herein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any amount payable under this Act or the regulations are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty in right of Ontario.

Garnishment

**13.**—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance to the Treasurer or the Minister under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability  
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance to the Treasurer or the Minister under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of  
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance to the Treasurer or to the Minister under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.



(5) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance to the Treasurer or to the Minister under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(6) Subject to the provisions of *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

*Idem*  
Garnishment  
of wages  
R.S.O. 1970,  
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure  
to remit

**14.**—(1) In this section, “accountable person” means any person who is a collector, an agent of the Minister under this Act, a consumer, a person required to register with the Minister under section 6, or a manufacturer or distributor of cans.

Definition

(2) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises where any business is carried on by an accountable person, where any can or canned soft drink is kept, or where anything is done in connection with any such business or where any books or records of any accountable person are or should be kept, and may,

Investi-  
gations

- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams, or other documents that relate or may relate to the sale of any canned soft drink, the manufacture or distribution of cans, or to the amount of tax or of any tax guarantee payable under this Act;

- (b) examine any cans or canned soft drink or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of any information that was or should have been furnished to the Minister or the amount of any tax or tax guarantee payable under this Act ;
- (c) require any accountable person, or if such accountable person is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such accountable person to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person or any accountable person to attend at the premises with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any accountable person, or if such accountable person is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information concerning cans or canned soft drinks or the sale or distribution thereof; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents or information,

within such reasonable time as is stipulated therein.

Idem

(4) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay



any amount to an accountable person, other than a manufacturer or distributor of cans, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents or information within such reasonable time as is stipulated therein.

(5) The Minister may, for any purpose related to the <sup>Idem</sup> administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing an officer of the Ministry, together with such members of the Ontario Provincial Police force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(6) The Minister may, by registered letter or by a demand <sup>Documents to prove liability to tax or tax guarantee</sup> served personally, require the production under oath or otherwise by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax or tax guarantee, if any, is or may be payable and what person is responsible for its payment, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

(7) Where a book, record or other document has been <sup>Copies</sup> seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(8) No person shall hinder or molest or interfere with <sup>Compliance</sup> any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing.

Idem

(9) Notwithstanding any other law to the contrary, every person and every accountable person shall, unless he is unable to do so, do everything he is required by this section to do.

Adminis-  
tration of  
oaths

(10) Declarations or affidavits in connection with statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Offence

**15.**—(1) Every person who wilfully contravenes or negligently fails to comply with any provision of this Act or the regulations or who, without lawful excuse, refuses to furnish to the Minister any information, statement, return or report required by or under this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of,

(a) not less than \$50 for each of the first five days during which the offence continues and \$100 for each day thereafter during which the offence continues; and

(b) not more than \$5,000.

Idem

(2) Every person who is required to remit to the Minister any tax or tax guarantee payable under this Act and who fails to remit the tax or tax guarantee is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and an additional amount of not less than the tax or tax guarantee, as determined under subsection 3, that should have been remitted.

Certificate

(3) The Minister shall determine the amount of the tax or tax guarantee referred to in subsection 2 from such information as is available to him, and shall issue a certificate as to the amount, but except where the Minister considers that there has been deliberate evasion of this Act or the regulations, he shall not take into account a period of more than three years in determining the amount of the tax or tax guarantee referred to in the certificate.

Proof of  
certificate

(4) In any prosecution under subsection 2, a certificate that is signed or that purports to be signed by the Minister or by the Deputy Minister of Revenue and that states the amount of tax is *prima facie* evidence of the amount of the tax or tax guarantee referred to in subsection 2 and of the authority of the person giving or making the certificate without any proof of appointment or signature.

(5) Every person who contravenes section 14 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues. Contravening  
s. 14

(6) Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$25 and not more than \$200, and for any subsequent offence to a fine of not less than \$100 and not more than \$1,000. General

(7) Every person who has, Offences

- (a) knowingly made, participated in, assented to or acquiesced in the making of false or deceptive statements required by or under this Act or the regulations;
- (b) to evade payment of the tax or tax guarantee payable under this Act, destroyed, altered, mutilated, secreted or otherwise disposed of any record, document or thing; or
- (c) wilfully, in any manner, evaded or attempted to evade compliance with this Act or the payment of the tax or tax guarantee payable under this Act or the regulations,

is guilty of an offence and on summary conviction, in addition to any penalty otherwise provided by this Act, is liable to a fine of not less than \$200 and not more than an amount equal to double the amount of the tax or tax guarantee that should have been remitted or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

**16.**—(1) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. Information  
for more  
than one  
offence

(2) Neither the application of any provision of section 15 or this section nor the enforcement of any penalty under this Act suspends or affects any remedy for the recovery of any tax or tax guarantee payable under this Act or the regulations. Tax not  
affected

(3) Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or partici- Offences by  
officers of  
corporations

pated in the commission of an act or the omission to do anything that is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Limitation

(4) An information in respect of an offence under this Act shall be laid within six years of the time when the matter of the information arose.

Default  
in paying  
fine

(5) Where a fine provided for in this Act is imposed on any person as the result of his conviction for the commission of an offence against this Act, a sentence of imprisonment for not more than one year in default of payment of the fine may also be imposed on such person.

Communica-  
tion of  
information

**17.**—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

- (a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Officials not  
compellable  
as witnesses

(2) Notwithstanding any other Act, but subject to subsection 3, no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Exceptions  
for legal  
proceedings

(3) Subsections 1 and 2 do not apply in respect of,

- (a) criminal proceedings under any Act of the Parliament of Canada; or
- (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or



- (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax or a tax guarantee.

(4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act, Exception for internal administration

- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and
- (b) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(5) Notwithstanding any other provision of this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to, Exception for objection or appeals, etc.

- (a) the person from whom the book, record, writing, return or other document was obtained; or
- (b) any person,
- (i) for the purposes of any objection or appeal that has been or may be taken by that person under this Act arising out of any assessment of tax, a tax guarantee, interest or penalties under this Act in connection with which the book, record, writing, return or other document was obtained, or
- (ii) by whom any amount payable under this Act is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf.

(6) Notwithstanding any other provision of this Act, the Minister may permit information or a copy of any book, Exception for tax enforcement in other jurisdictions

record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

- (a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or
- (b) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act.

Records  
to be  
retained

**18.** Every person who is a collector, an agent of the Minister under this Act, a person required to register with the Minister under section 6, or a person belonging to a class of persons prescribed by the Minister shall keep at his principal place of business records and books of account in such form and containing such information as will enable the accurate determination of the tax or tax guarantee collectable or payable under this Act, and shall retain every such record or book of account, and every account or voucher necessary to verify the information in any such record or book of account for such period as may be prescribed by the Minister.

Regulations

**19.—**(1) The Minister may make regulations,

- (a) prescribing or determining anything that he is permitted or required by this Act to prescribe or determine;
- (b) prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a collector, by a person who is an agent of the Minister under this Act or by any person who is required to register with the Minister under section 6; or



- (c) prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

(2) The Lieutenant Governor in Council may make regulations, <sup>Idem</sup>

- (a) prescribing anything that is required or permitted by this Act to be prescribed;
- (b) authorizing the refund of any tax or tax guarantee and specifying the conditions upon which such refund may be made;
- (c) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act;
- (e) requiring a person who is, by a regulation made under clause *d*, required to make an information return to supply a copy of the information return or of a prescribed portion thereof to the person or persons in respect of whose liability under this Act the information return or portion thereof relates;
- (f) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
- (g) prescribing any rate of interest that is to be prescribed;
- (h) providing for the payment of interest on any refund, and prescribing the rate of such interest and the method by which it is to be calculated;
- (i) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (j) prescribing the remuneration, if any, to be paid to the persons who collect the tax payable under this Act or who pay or collect any tax guarantee under this Act;

- (*k*) requiring the furnishing of surety bonds by collectors and persons required to register under section 6, and prescribing the form and amount of such bonds;
- (*l*) providing for the accounting for and paying over of any sums of money collected by or payable to any collector or person registered under section 6, or any agent of the Minister, and regulating the time and manner of such accounting and payment;
- (*m*) respecting agreements between the Minister and collectors, and providing for their use;
- (*n*) providing for exemption of cans or classes of cans from the provisions of this Act;
- (*o*) prescribing any container to be a can for the purposes of this Act;
- (*p*) providing for the relief or relaxation, in special circumstances, of the obligations imposed by this Act;
- (*q*) requiring collectors designated for the purpose of this clause to mark or cause to be marked clearly and conspicuously in such manner as may be prescribed on each canned soft drink to be sold, or intended to be sold, in Ontario such words as may be prescribed to indicate that the canned soft drink is or may be subject to the tax imposed by this Act.

Idem (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Commence-  
ment **19.**—(1) This Act, except sections 1 to 6, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1 and 6 shall be deemed to have come into force on the 20th day of April, 1977.

Idem (3) Section 4 comes into force on the 31st day of May, 1977.

Idem (4) Sections 2, 3 and 5 come into force on the 1st day of June, 1977.

Short title **20.** This Act may be cited as *The Environmental Tax Act, 1977*.







An Act to impose a Tax on Certain  
Pollutants of the Environment in  
Ontario

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*1st Reading*

April 19th, 1977

*2nd Reading*

*3rd Reading*

---

THE HON. M. SCRIVENER  
Minister of Revenue

---

*(Government Bill)*



1240  
XB  
-B56

BILL 54

Private Member's Bill

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to establish the Ontario Waste Disposal  
and Reclamation Commission**

MR. NEWMAN  
(Windsor-Walkerville)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill establishes the Ontario Waste Disposal and Reclamation Commission, to have authority in matters concerning disposal, reclamation and recycling of liquid, solid and gaseous wastes, with particular reference to possible development of energy from these sources.

BILL 54

1977

## An Act to establish the Ontario Waste Disposal and Reclamation Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

(a) "Commission" means the Ontario Waste Disposal and Reclamation Commission;

(b) "Minister" means the Minister of the Environment.

2.—(1) A Commission to be known as the "Ontario Waste Disposal and Reclamation Commission" is hereby established.

Commission  
established

(2) The Commission shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council.

Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Commission.

Chairman

4. Five members of the Commission constitute a quorum.

Quorum

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Commission.

Vacancies

6.—(1) The objects of the Commission are and it has power,

Objects  
and powers

(a) to provide waste disposal and reclamation services throughout the province, including incineration and landfill;

(b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

(c) to study methods of marketing reclaimed materials;  
and

(d) to provide waste collection services in areas where it  
would be uneconomical for local authorities to do so.

Further  
powers

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

**7.** The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

Annual  
report

**8.** The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Ontario Waste Disposal and Reclamation Commission Act, 1977*.









An Act to establish the Ontario Waste  
Disposal and Reclamation Commission

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*1st Reading*

April 21st, 1977

*2nd Reading*

*3rd Reading*

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MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

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1572  
✓B  
-B56

**BILL 55**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act respecting Ryerson Polytechnical Institute**

THE HON. H. C. PARROTT  
Minister of Colleges and Universities



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The present corporation known as the Board of Governors of Ryerson Polytechnical Institute is continued with all its former powers except those which have been assigned by this Act to the newly formed Academic Council.

Some features of the Bill are as follows:

1. The number of members of the Board of Governors has been increased from thirteen to twenty-three members, nine of whom are appointed by the Lieutenant Governor in Council and two by the Board.

Eleven members of the Board are elected from among the teaching faculty, the administrative staff, students and the alumni. The President is a member *ex officio*. (Section 4)

2. No person may serve as a member of the Board of Governors unless he is a Canadian citizen. (Section 4 (3) )
3. The quorum of the Board of Governors has been increased from five to ten members or such greater number as the Board by by-law may determine and at least one-half of the quorum shall consist of members of the Board appointed by the Lieutenant Governor in Council and the Board or elected by alumni. (Section 4 (9) )
4. An Academic Council is established that is composed of the President, Vice-Presidents and Deans who are *ex officio* members, and such other members, not exceeding fifty in number, elected from among the teaching faculty, students and alumni. (Section 9)
5. The Academic Council has the power to establish the educational policy of the Institute including the awarding of diplomas and certificates and the granting of bachelor of applied arts, bachelor of technology and bachelor of business management degrees. (Section 10)
6. Meetings of the Board of Governors and of the Academic Council are open to the public except where a matter of a personal nature concerning an individual or a confidential matter of the Institute may be disclosed. (Section 11)
7. The by-laws of the Board of Governors and the Academic Council are open to examination by the public. (Section 13)
8. The Board of Governors is empowered to conduct the election of its members and members of the Academic Council who are to take office on the 1st day of November, 1977, and the Board may determine the term or terms of office of its members so elected and the term or terms of office of the members of the Academic Council so elected.

BILL 55

1977

## An Act respecting Ryerson Polytechnical Institute

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

**1.**—(1) In this Act,

Inter-  
pre-  
tation

- (a) “Academic Council” means the Academic Council of Ryerson Polytechnical Institute;
- (b) “administrative staff” means the full-time employees of the Board who are not members of the teaching faculty;
- (c) “alumni” means the persons who have received degrees, diplomas or certificates from the Institute and are no longer registered as students;
- (d) “Board” means The Board of Governors of Ryerson Polytechnical Institute;
- (e) “Institute” means Ryerson Polytechnical Institute;
- (f) “Minister” means the Minister of Colleges and Universities;
- (g) “President” means the President of Ryerson Polytechnical Institute;
- (h) “property” means real and personal property;
- (i) “student” means a person who is registered as such in a program or course of study at the Institute that leads to a degree, diploma or certificate of the Institute;

(j) "teaching faculty" means the full-time employees of the Board whose prime duty is the performance of the teaching function of the Institute, including those holding the offices of Dean, Chairman or Assistant Chairman of a department, and Academic Director;

(k) "year" means the membership year of the Board or the Academic Council, as the case may be, and shall be any twelve-month period established by the Board or the Academic Council, respectively, from time to time. 1962-63, c. 128, s. 1; 1971, c. 65, s. 1, *amended*.

Conflict

R.S.O. 1970,  
c. 89

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

#### GENERAL

Institute  
continued

2. Ryerson Polytechnical Institute is continued, subject to the provisions of this Act. 1962-63, c. 128, s. 2, *amended*.

Objects

3. The objects and purposes of the Institute are to provide,

(a) programs and courses of study in any branch of arts, applied arts, business, community services and technology; and

(b) programs and courses of study sponsored jointly with the Government of Ontario or any ministry or board, agency or commission thereof, with the Government of Canada or any department or board, agency or commission thereof, with industry or commerce, or with other educational institutions. 1962-63, c. 128, s. 3, *amended*.

#### BOARD OF GOVERNORS

Corporation  
continued

4.—(1) The Board of Governors of Ryerson Polytechnical Institute is continued as a body corporate and shall be composed of,

(a) the President, who shall be an *ex officio* member;

(b) nine members, none of whom is a student or an employee of the Board, appointed by the Lieutenant Governor in Council for a term of three years;



- (c) three members, none of whom is an employee of the Board, elected by the alumni from among themselves for a term of three years;
- (d) three members elected by the teaching faculty from among themselves for a term of two years;
- (e) two members elected by the administrative staff from among themselves for a term of two years;
- (f) three members elected by the students from among themselves for a term of one year; and
- (g) two members, none of whom is a student or an employee of the Board, appointed by the Lieutenant Governor in Council for a term of three years and thereafter by the Board for a term of three years. 1962-63, c. 128, s. 4 (1-3); 1971, c. 65, s. 2, *amended*.

(2) The Board shall by by-law determine the manner and procedure of election of its members and shall conduct such elections and determine any dispute as to eligibility to hold office or to vote, and such elections shall be by secret ballot. Manner of election

(3) No person shall serve as a member of the Board unless he is a Canadian citizen. *New.* Canadian citizenship

(4) Subject to subsection 5, a member of the Board is eligible for reappointment or re-election, as the case may be, except that no member shall serve for more than two consecutive terms, but on the expiration of one year after having served the second of two consecutive terms, such person may again be eligible for membership on the Board. 1962-63, c. 128, s. 4 (4), *amended*. Eligibility for reappointment or re-election

(5) The limit of two consecutive terms referred to in subsection 4 does not include, Idem

- (a) service on the Board prior to the day this section comes into force;
- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection 8; or
- (c) service on the Board for a term reduced under subsection 1 or 2 of section 17. *New.*

Membership  
vacated

(6) A member of the Board ceases to hold office where he ceases to be eligible pursuant to,

(a) subsection 3; or

(b) clauses *b* to *g* of subsection 1 under which he was appointed or elected, as the case may be, except that a student member who graduates during his term of office may serve for the remainder of such term. 1962-63, c. 128, s. 4 (5), *amended*.

Absence  
from  
meetings

(7) Where, within any year, a member of the Board, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of such body, the Board may by resolution declare his membership vacant. 1962-63, c. 128, s. 4 (6), *amended*.

Filling  
vacancies

(8) Where a vacancy on the Board occurs before the term of office for which a person was appointed or elected has expired,

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so and notwithstanding any other provision of this Act, the manner and procedure for so doing,

and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant. 1962-63, c. 128, s. 4 (8), *amended*.

Quorum

(9) A quorum of the Board shall consist of ten members or such greater number as the Board by by-law may determine, and at least one-half of the quorum shall consist of members of the Board appointed or elected under clauses *b*, *c* and *g* of subsection 1. 1962-63, c. 128, s. 4 (10), *amended*.

Chairman  
and  
Vice-  
Chairman

(10) The Board shall elect a Chairman and a Vice-Chairman from among the members appointed or elected under clauses *b*, *c* and *g* of subsection 1 and in the event of the absence or inability to act of the Chairman or of there being a vacancy in that office, the Vice-Chairman shall act as and have all the powers of the Chairman. 1962-63, c. 128, s. 4 (11), *amended*.

(11) In the absence or inability to act of the Chairman and Vice-Chairman, the Board may appoint one of its members appointed or elected under clauses *b*, *c* and *g* of subsection 1 to act as Chairman for the time being and the member so appointed shall act as and have all the powers of the Chairman. 1962-63, c. 128, s. 4 (12, 13), *amended*. Absence

(12) The term of office of the Chairman and of the Vice-Chairman shall be as determined by the Board. *New*. Term  
of  
office

**5.**—(1) The Board may establish committees and appoint persons thereto and, subject to subsection 5, confer upon any such committee authority to act for the Board with respect to any matter or class of matters. 1962-63, c. 128, s. 5 (1), *amended*. Committees

(2) A majority of the members of a committee shall be members of the Board. 1962-63, c. 128, s. 5 (2). Majority  
to be  
board  
members

(3) The President shall be an *ex officio* member of every committee established under subsection 1 unless excluded therefrom by a by-law or a resolution of the Board. 1971, c. 65, s. 3, *amended*. President  
*ex officio*  
member

(4) The President, if not excluded under subsection 3 as a member of a committee, may nominate an officer of the Board to represent him on a committee established under subsection 1, and such nominee shall act in the place and stead of the President on such committee. *New*. Nominee

(5) No decision of a committee that includes in its membership persons who are not members of the Board is effective until approved and ratified by the Board. 1962-63, c. 128, s. 5 (4). Decision  
of  
committee

(6) For the purposes of subsections 2 and 5, an officer of the Board nominated by the President under subsection 4 to represent him on a committee shall be deemed to be a member of the Board. *New*. Nominee  
deemed  
member  
of the  
Board

**6.**—(1) The government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs, except with respect to such matters as are assigned by this Act to the Academic Council, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Institute including, without limiting the generality of the foregoing, the power, Powers of  
the Board

- (a) to enact by-laws for the conduct of its affairs;
- (b) to appoint the President and define his duties and responsibilities;
- (c) to appoint, classify, promote, suspend, transfer, reclassify or remove the members of the teaching faculty and administrative staff and such other employees as it considers necessary or advisable for the proper conduct of the affairs of the Institute, but no member of the teaching faculty or administrative staff except the President shall be appointed, classified, promoted, suspended, transferred, reclassified or removed unless recommended by the President or such other officer or employee of the Board delegated under subsection 4;
- (d) to fix the number, duties and salaries and other remuneration of the officers and employees of the Board;
- (e) to delegate such of its powers under clauses *c* and *d* as it considers proper to the President or other officer or employee of the Board as may be recommended by the President;
- (f) to provide for the retirement and superannuation of persons referred to in clauses *b* and *c*;
- (g) to provide for payments by way of gratuities, retirement allowances, sick leave allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to any representative of or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise;
- (h) to expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance, or health insurance, for the benefit of the persons mentioned in clauses *b* and *c*;
- (i) to expend such sums as the Board considers necessary for the support and maintenance of the Institute and for the betterment of existing buildings and the erection of such new buildings as the



Board may consider necessary for the use and purposes of the Institute and for the furnishings and equipment of such existing and newly-erected buildings;

- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishings and maintenance of residences and dining halls for the use of the students;
- (k) to acquire, hold and maintain such real property as the Board considers necessary for the use of the students of the Institute for athletic purposes and to erect and maintain such buildings and structures thereon as it considers necessary;
- (l) to provide such health services, health examinations and physical training for the students of the Institute as the Board considers necessary;
- (m) to appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (n) to borrow money for its purposes upon its credit, and to give such security against the assets of the Institute by way of mortgage, debenture or otherwise, as it determines;
- (o) to invest all money that comes into its hands that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund;
- (p) after consultation with the Minister,
  - (i) to co-operate with other educational institutions on such terms and for such periods of time as the Board may determine,
  - (ii) to establish, change and terminate such degree, diploma or certificate programs as

the Academic Council recommends and the Board considers appropriate; and

- (q) to establish and collect fees and charges for tuition and for services of any kind offered by the Institute and collect fees and charges on behalf of any entity, organization or element of the Institute. 1962-63, c. 128, s. 7; 1971, c. 65, s. 4, *amended*.

Recommendations  
by  
President  
as to staff

- (2) The President shall make recommendations to the Board as to the appointment, classification, promotion, suspension, transfer, reclassification and removal of the members of the teaching faculty and administrative staff.

Recommendation

- (3) The President may recommend an officer or employee of the Board for the purpose of a delegation by the Board under clause *e* of subsection 1 of certain of its powers.

Delegation  
by  
President

- (4) The President, subject to the approval of the Board, may delegate his duties under subsection 2 to any other officer or employee of the Board. *New*.

Audit of  
accounts  
R.S.O. 1970,  
c. 373

7. The Board shall appoint one or more public accountants licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board at least annually. 1962-63, c. 128, s. 8, *amended*.

Annual  
report  
to  
Minister

- 8.—(1) The Board shall make a financial report annually to the Minister in such form and containing such information as the Minister may require. 1962-63, c. 128, s. 9 (1), *amended*.

Tabling

- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 128, s. 9 (2).

Annual  
public  
report

- (3) The Board shall make available to the public an annual report including an annual financial report in such form and manner as the Board may determine. *New*.

#### ACADEMIC COUNCIL

Academic  
Council

- 9.—(1) There shall be an Academic Council of the Institute composed of,

- (a) the President, the Vice-Presidents and the Deans, who shall be *ex officio* members; and



(b) such other members, not exceeding fifty in number, composed of persons elected by secret ballot,

(i) by the teaching faculty from among themselves,

(ii) by the students from among themselves, and

(iii) by the alumni from among themselves.

(2) The Academic Council shall by by-law determine, By-laws

(a) the number of members to be elected to the Academic Council by the teaching faculty, the students and the alumni, respectively;

(b) constituencies for each of the groups referred to in clause *b* of subsection 1 and assign persons or classes of persons thereto;

(c) the term of office of one, two or three years, as the case may be, for the members elected by each of the groups referred to in clause *b* of subsection 1; and

(d) the procedures to be followed in the election of members of the Academic Council.

(3) The Academic Council shall conduct the election of Elections its members and shall determine any dispute as to the eligibility of a candidate at such election or of a person to vote thereat.

(4) Where for any reason a by-law of the Academic Term of office Council has not been enacted under clause *c* of subsection 2, the term of office of an elected member of the Academic Council is one year.

(5) Subject to subsection 6, a member of the Academic Eligibility for re-election Council is eligible for re-election except that no member shall serve for more than two consecutive terms, but on the expiration of one year after having served the second of two consecutive terms, such person may again be eligible for membership on the Academic Council.

(6) The limit of two consecutive terms referred to in Idem subsection 5 does not include,

(a) service on the Academic Council for the balance of an unexpired term for a person who becomes a

member of the Academic Council under subsection 8; or

- (b) service on the Academic Council for a term of office established by the Board under subsection 3 of section 17.

Membership  
vacated

(7) An elected member of the Academic Council ceases to hold office where he ceases to be eligible pursuant to clause *b* of subsection 1 under which he was elected, except that a student member who graduates during his term of office may serve for the remainder of the current year.

Filling  
vacancy

(8) Where a vacancy occurs for any reason among the elected members of the Academic Council before the term for which a person was elected has expired, the Academic Council in its sole discretion shall determine whether the vacancy is to be filled and, if so and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Chairman  
and Vice-  
Chairman

(9) The President shall be the Chairman of the Academic Council and a Vice-Chairman shall be elected from among its members in such manner as the Academic Council may determine. *New.*

Powers of  
Academic  
Council

**10.** The Academic Council has, subject to the approval of the Board with respect to the expenditure of funds, the power to establish the educational policy of the Institute and without limiting the generality of the foregoing has the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to enact by-laws for the purposes of subsection 2 of section 9 in order to conduct the election of its members;
- (c) to make recommendations to the Board with respect to the establishment, change or termination of programs and courses of study, schools, divisions and departments;
- (d) to determine the curricula of all programs and courses of study, the standards of admission to the Institute and continued registration therein, and the qualifications for degrees, diplomas and certificates of the Institute;

- (e) to conduct examinations, appoint examiners and decide all matters relating thereto;
- (f) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (g) to award diplomas and certificates;
- (h) to grant bachelor of applied arts, bachelor of technology and bachelor of business management degrees; and
- (i) to create councils and committees to exercise its powers. *New.*

#### BOARD OF GOVERNORS AND ACADEMIC COUNCIL

**11.**—(1) Subject to subsections 2 and 3, a meeting of the Board or of the Academic Council shall be open to the public and prior notice of the meeting shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board and the Academic Council by by-law shall respectively determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be. Meetings open to public

(2) Where matters confidential to the Institute are to be considered, the part of the meeting concerning such matters may be held *in camera*. Proviso

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that that part of the meeting be open to the public. *New.* Idem

**12.** Every student is eligible for election to the Board or the Academic Council whether or not he has attained the age of eighteen years. *New.* Age of student members

**13.**—(1) The by-laws of the Board and of the Academic Council shall be open to examination by the public during normal business hours. Examination of by-laws

(2) The Board and the Academic Council shall publish their by-laws from time to time in such manner as they may, respectively, consider proper. *New.* Publication of by-laws

## PROPERTY

Property  
vested in  
Board

**14.** All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Board, the Institute or to any person in trust for or for the benefit of the Board, the Institute or any of its divisions or departments, subject to any trust affecting the property, is vested in the Board. 1962-63, c. 128, s. 6; 1966, c. 139, s. 1, *amended*.

Power to  
deal with  
property

**15.** The Board has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof. 1962-63, c. 128, s. 7 (*m*), *amended*.

Expropria-  
tion  
R.S.O. 1970,  
c. 154

**16.**—(1) Subject to the provisions of *The Expropriations Act*, the Board may, without the consent of the owner or any person interested therein, other than a municipality or a district, regional or metropolitan municipality, enter upon, take, use and expropriate all such land as defined in section 1 of *The Expropriations Act* as it considers necessary for the purposes of the Institute. 1962-63, c. 128, s. 7 (*n*), *amended*.

Land  
vested in  
Board not  
liable to  
expropria-  
tion

(2) Real property vested in the Board and used by the Institute for its purposes shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. *New*.

## MISCELLANEOUS

Election  
of Board

**17.**—(1) For the purpose of the election of members to the Board who are to take office on the 1st day of November, 1977, the Board in office when this section comes into force shall, notwithstanding any other provision of this Act, conduct the election and may determine that one or more of the members so elected shall serve for a period of less than three years.



(2) Notwithstanding clauses *b* and *g* of subsection 1 of section 4, the Lieutenant Governor in Council may determine that one or more of the members appointed by it to the Board to take office on the 1st day of November, 1977, shall serve for a period of less than three years. Term of office

(3) For the purpose of the first election of members to the Academic Council who are to take office on the 1st day of November, 1977, the Board in office when this section comes into force shall determine, notwithstanding any other provision of this Act, the composition and the number, not exceeding fifty, of the members to be elected and shall determine the term or terms of office of one, two or three years of such members and the method of their election and shall conduct such elections. First election of Academic Council

(4) The Board in office when this section comes into force is hereby authorized and empowered to arrange for and call the first meeting of the Board and of the Academic Council, respectively, to be held on or after the 1st day of November, 1977, and the members of the said Board and Academic Council shall be given reasonable notice of such meetings. *New.* First meeting of Board and Academic Council

**18.** The following are repealed:

Repeals

1. *The Ryerson Polytechnical Institute Act, 1962-63*, being chapter 128.
2. *The Ryerson Polytechnical Institute Amendment Act, 1966*, being chapter 139.
3. *The Ryerson Polytechnical Institute Amendment Act, 1971*, being chapter 65.

**19.**—(1) This Act, except sections 1 to 16 and 18, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 to 16 and 18 come into force on the 1st day of November, 1977. Idem

**20.** This Act may be cited as *The Ryerson Polytechnical Institute Act, 1977*. Short title

An Act respecting  
Ryerson Polytechnical Institute

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*1st Reading*

April 21st, 1977

*2nd Reading*

*3rd Reading*

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THE HON. H. C. PARROTT  
Minister of Colleges and  
Universities

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*(Government Bill)*

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**BILL 56**

Private Member's Bill

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend  
The Employment Standards Act, 1974**

MR. NEWMAN  
(Windsor-Walkerville)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to establish a regular working week of 40 hours.

BILL 56

1977

**An Act to amend  
The Employment Standards Act, 1974**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 17 and 18 of *The Employment Standards Act, 1974*,<sup>ss. 17, 18, re-enacted</sup> being chapter 112, are repealed and the following substituted therefor:

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight hours in the day and forty in the week.<sup>Maximum working hours R.S.O. 1970, c. 221</sup>

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty hours in a week.<sup>Variation of working day</sup>

2. This Act comes into force on the day it receives Royal Assent.<sup>Commencement</sup>
3. This Act may be cited as *The Employment Standards Amendment Act, 1977*.<sup>Short title</sup>

An Act to amend  
The Employment Standards Act, 1974

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*1st Reading*

April 22nd, 1977

*2nd Reading*

*3rd Reading*

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MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

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**BILL 57**

**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

*Government  
Publications*

**An Act to amend  
The Regional Municipality of Durham Act, 1973**

MR. BREAUGH

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

This Bill returns control over water and sewage service in The Regional Municipality of Durham to the area municipalities.



BILL 57

1977

**An Act to amend  
The Regional Municipality of Durham Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, and section 56, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51 and amended by 1976, chapter 70, section 50, of *The Regional Municipality of Durham Act, 1973*, being chapter 78, are repealed and the following substituted therefor: ss. 55, 56,  
re-enacted

55. Notwithstanding anything in this Act, each area municipality shall have the sole responsibility for the supply and distribution of water in its area municipality, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof. Supply and  
distribution  
of water  
by area  
municipality

56. Notwithstanding anything in this Act, each area municipality shall have the sole responsibility for the collection and disposal of all sewage in its area municipality, including the establishment, construction, maintenance, operation and financing thereof. Collection  
and disposal  
of sewage  
by area  
municipality

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Regional Municipality of Durham Amendment Act, 1977*. Short title

An Act to amend  
The Regional Municipality  
of Durham Act, 1973

*1st Reading*

April 25th, 1977

*2nd Reading*

*3rd Reading*

MR. BREAUGH

*(Private Member's Bill)*

40  
1756  
**BILL 58**

Government Publications  
**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend The Consumer Protection Act**

MR. NEWMAN  
(Windsor-Walkerville)

TORONTO

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#### EXPLANATORY NOTE

This Bill requires that every product offered for sale by a retailer that is marked with the universal product code must also be clearly marked with its individual purchase price.

**BILL 58**

**1977**

## **An Act to amend The Consumer Protection Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 47a,  
enacted

47a.—(1) In this section,

Interpre-  
tation

- (a) “computer price code” means a marking that is designed to be read and recorded by a computer device for the purpose of calculating the purchase price of a product offered for sale and includes the universal product code;
- (b) “product” means an item of goods;
- (c) “retail seller” means a person who offers a product for sale but not for resale.

(2) No retail seller shall offer for sale a product that is marked with a computer price code unless the individual purchase price of such product is clearly expressed on the product, its wrapper or container. Individual  
purchase  
price marking  
required

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Consumer Protection Amendment Act, 1977*. Short title

An Act to amend  
The Consumer Protection Act

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*1st Reading*

April 25th, 1977

*2nd Reading*

*3rd Reading*

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MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

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Government  
Publications

**BILL 59**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend  
The Environmental Assessment Act, 1975**

THE HON. G. A. KERR  
Minister of the Environment



#### EXPLANATORY NOTE

The amendment adds Part III-A to the Act to provide for the appointment of persons to inquire into such matters related to the purpose of the Act as may be set out in the appointments and to report thereon to the Minister.

Section 24*b* provides that an appointment may be made by the Lieutenant Governor in Council upon the recommendation of the Minister.

Section 24*c* states that the purpose of an inquiry and report under the Part is to provide information and advice to the Minister.

Section 24*d* provides that the conduct of and the procedure to be followed on an inquiry, including at a hearing held in the course of an inquiry, is under the control and direction of the appointee. The section also provides that, except in special circumstances, hearings held in the course of an inquiry shall be open to the public, and the appointee may take into account evidence, information and views expressed at hearings and otherwise.

Section 24*e* requires an appointee to give to any person that the appointee specifies has an interest in the subject-matter of the inquiry an opportunity to give evidence and, where the appointee holds a hearing, to call and examine or to cross-examine witnesses on evidence relevant to the person's interest.

Section 24*f* provides for class representation at a hearing held in the course of an inquiry.

Sections 24*g*, 24*h*, 24*i* and 24*j* relate to the receipt of evidence, information and views, oaths and affirmations, and protection of witnesses.

Sections 24*k* and 24*l* authorize an appointee to summon witnesses and to state a case to the Divisional Court to punish a witness for contempt.

Section 24*m* entitles the Minister, by counsel or otherwise, to take part in a hearing held in the course of an inquiry.

Section 24*n* provides for the stating of a case for determination by the Divisional Court where an appointment or the authority of an appointee is questioned. Subsection 4 of the section authorizes the appointee to proceed with any aspect of the inquiry not in issue in the stated case.

Section 24*o* provides for the release of documents and the copying of documents produced in evidence to an appointee.

Section 24*p* authorizes an individual appointee, where two or more persons are appointed to conduct an inquiry, to administer oaths and affirmations, to summon witnesses, and to release documents and to copy or permit the copying of documents produced in evidence.

Section 24*q* states that a report under the Part is not binding with respect to any decision or determination under the Act.

Section 24*r* provides for public inspection of reports made under the Part.

## An Act to amend The Environmental Assessment Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Environmental Assessment Act, 1975*, being chapter 69, Part III-A, (ss. 24a-24r), enacted is amended by adding thereto the following Part:

### PART III-A

#### INQUIRIES

24a. In this Part,

Interpre-  
tation

- (a) "appointee" means the person or persons appointed to conduct an inquiry;
- (b) "hearing" means a hearing held in the course of an inquiry;
- (c) "inquiry" means an inquiry under this Part.

24b. The Lieutenant Governor in Council, on the recommendation of the Minister, may appoint one or more persons to inquire into such matters relating to the purpose of this Act as may be set out in the appointment and to report thereon to the Minister. Appointment of person or persons to inquire and report

24c. The purpose of an inquiry and report under this Part is to provide information and advice to the Minister. Purpose of inquiry and report

24d.—(1) The conduct of and the procedure to be followed on an inquiry, including at a hearing, is under the control and direction of the appointee. Procedure

(2) An appointee may take into account evidence, information and views expressed at hearings and otherwise. Receiving of views

Public  
hearings

(3) All hearings shall be open to the public except where the appointee is of the opinion that matters may be disclosed at a hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case, the appointee may hold the hearing concerning any such matters *in camera*.

Rights of  
interested  
persons

24e. An appointee shall give to any person who the appointee, in his opinion, having regard to the purpose of this Act, specifies has an interest in the subject-matter of the inquiry an opportunity during the inquiry to give evidence and, where the appointee holds a hearing, to call and examine or to cross-examine witnesses personally or by the person's counsel on evidence relevant to the person's interest.

Class  
repre-  
sentation

24f. Where the appointee holds a hearing, the appointee may designate from among a class of persons having, in the opinion of the appointee, a common interest in the subject-matter of the inquiry, a person to represent the class in the hearing, but any other member of the class for which the appointment was made, with the consent of the appointee, may take part in the inquiry notwithstanding the designation.

## Privilege

24g. Nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of any privilege under the law of evidence.

Unsworn  
evidence

24h. An appointee may accept, at a hearing or otherwise, evidence, information and views not given under oath or affirmation.

Oaths  
and  
affirmations

24i. An appointee has power to administer oaths and affirmations and may require evidence to be given under oath or affirmation.

Protection  
of witnesses

24j.—(1) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish the liability of the witness to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceedings against the witness thereafter taking place, other than a prosecution for perjury in giving such evidence.

(2) A witness shall be informed by the appointee of the witness's right to object to answer any question under section 5 of the *Canada Evidence Act*.

Right to  
object

R.S.C. 1970,  
c. E-10

24*k*.—(1) An appointee may require any person by summons, in the form prescribed by the regulations,

Power to  
summon  
witnesses

(*a*) to give evidence on oath or affirmation at a hearing; or

(*b*) to produce in evidence at a hearing such documents and things that the appointee may specify,

relevant to the subject-matter of the inquiry and not inadmissible in evidence at a hearing under section 24*g*.

(2) A summons issued under subsection 1 shall be served personally on the person summoned, and the person shall be paid at the time of service the like fees and allowances for attendance as a witness before the appointee as are paid for the attendance of a witness summoned to attend before the Supreme Court.

Form and  
service  
of summons

24*l*.—(1) Where any person without lawful excuse,

Stated case  
for failure  
to attend  
hearing, etc.

(*a*) on being duly summoned under subsection 1 of section 24*k* as a witness at a hearing, makes default in attending at the hearing; or

(*b*) being in attendance as a witness at a hearing refuses to take an oath or to make an affirmation legally required by the appointee to be taken or made, or to produce any document or thing in his power or control legally required by the appointee to be produced to the appointee, or to answer any question to which the appointee may legally require an answer; or

(*c*) does any other thing that would, if the appointee had been a court of law having power to commit for contempt, have been in contempt of that court,

the appointee may state a case to the Divisional Court setting out the facts and that court may, on the application of the appointee or of the Minister, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if that person had been guilty of contempt of the court.



Minister  
entitled  
to be heard

24*m*. The Minister is entitled by counsel or otherwise to take part in a hearing.

Stated case

24*n*.—(1) Where the appointment of an appointee under this Part or the authority of an appointee to do any act or thing proposed to be done or done by the appointee in the course of an inquiry is called into question by a person affected, the appointee may of his own motion or upon the request of the person state a case in writing to the Divisional Court setting forth the material facts and the grounds upon which the appointment or the authority of the appointee to do the act or thing are questioned.

Order  
directing  
stated case

(2) If an appointee refuses to state a case under subsection 1, the person requesting it may apply to the Divisional Court for an order directing the appointee to state such a case.

Court to  
hear and  
determine  
stated case

(3) Where a case is stated under subsection 1 or 2, the Divisional Court shall hear and determine in a summary manner the question raised.

Proceedings  
stayed

(4) Pending the decision of the Divisional Court on a case stated under subsection 1 or 2, no further proceedings shall be taken by the appointee with respect to the subject-matter of the stated case but he may continue the inquiry into matters not in issue in the stated case.

Release of  
documents

24*o*.—(1) Documents and things produced in evidence to an appointee shall, upon the request of the person who produced them or the person entitled thereto, be released to the person by the appointee within a reasonable time.

Copies of  
documents

(2) Where a document has been produced in evidence before an appointee, the appointee may, or the person producing it may, with the leave of the appointee, cause the document to be photocopied and the photocopy may be filed in evidence in the place of the document produced, and a document purporting to be a copy of a document produced in evidence, certified to be a true copy thereof by the appointee, is admissible in evidence in proceedings in which the document produced is admissible, as evidence of the document produced.

Powers of  
each of two  
or more  
appointees

24*p*. Where two or more persons are appointed to conduct an inquiry, any one of them may exercise the powers conferred by section 24*i*, 24*k* or 24*o*.

Effect of  
report

24*q*. A report under this Part is not binding with respect to any decision or determination under this Act.



24r. On the request of any person, the Minister shall make available for inspection by the person any report made pursuant to this Part as soon as practicable after the receipt of the report. <sup>Inspection  
of report</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
3. This Act may be cited as *The Environmental Assessment Amendment Act, 1977*. <sup>Short title</sup>

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An Act to amend  
The Environmental Assessment Act, 1975

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*1st Reading*

April 26th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. G. A. KERR  
Minister of the Environment

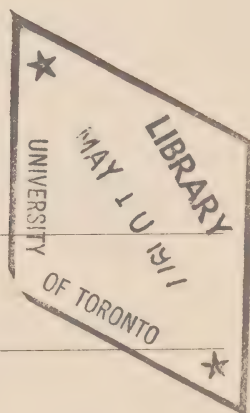
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*(Government Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend  
The Pension Benefits Act**

MR. DI SANTO



#### EXPLANATORY NOTE

This Bill permits the employees to accumulate pension benefits while unemployed due to disablement.

BILL 60

1977

## An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

24a.—(1) Notwithstanding any other provision of this Act or the regulations, an injured employee shall accumulate pension credits during any period that the employee is unable to work due to a total temporary disability, a total permanent disability, or a partial permanent disability.

(2) For the purpose of subsection 1, “employee” means an employee of a person or association from whom the employee receives his remuneration but does not include an employee of Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality or the local boards thereof.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Pension Benefits Amendment Act, 1977*.

An Act to amend  
The Pension Benefits Act

*1st Reading*

April 26th, 1977

*2nd Reading*

*3rd Reading*

MR. DI SANTO

*(Private Member's Bill)*

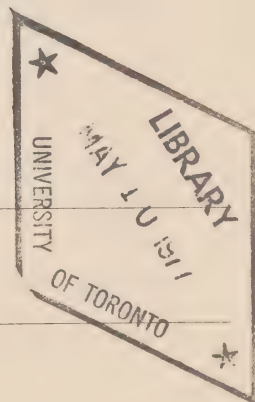


4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publication

**An Act to amend  
The Workmen's Compensation Act**

MR. DI SANTO



#### EXPLANATORY NOTE

This Bill requires that employers with twenty or more employees hire injured workers with permanent partial disabilities.

BILL 61

1977

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection:

s. 42.  
amended

(5a) Every employer with twenty or more employees shall hire a minimum of 3 per cent of his employees from injured workers with permanent partial disabilities.

Hiring  
injured  
workers with  
permanent  
partial  
disabilities

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1977*.

Commence-  
ment

Short title

An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

April 26th, 1977

*2nd Reading*

*3rd Reading*

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MR. DI SANTO

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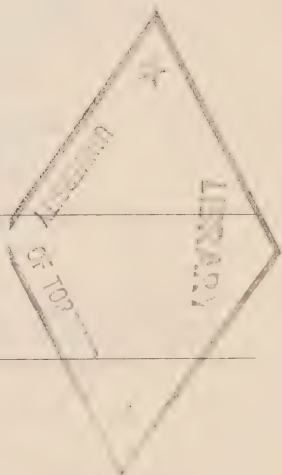
*(Private Member's Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to amend The Ministry of Labour Act**

THE HON. B. STEPHENSON  
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1. Clause *a* of section 1 of the Act now reads as follows:

(a) "*Board*" means the Industry and Labour Board.

The repeal of clause *a* is complementary to the abolition of the Industry and Labour Board (Section 2 of the Bill). The new clause *a* is complementary to section 4 of the Bill.

SECTION 2. Section 8 of the Act now reads as follows:

- 8.—(1) *The Board shall consist of not more than three members appointed by the Lieutenant Governor in Council, one of whom shall be designated as chairman, and all of whom shall be officers of the Ministry.*
- (2) *The Board is a body corporate and, with the approval of the Lieutenant Governor in Council, may pass by-laws and regulations governing its proceedings.*
- (3) *The Board shall administer, enforce and carry out any Act in which the Board is designated for the purpose in such Act or that is assigned to it by the Lieutenant Governor in Council.*

The Industry and Labour Board is abolished. The new section 8 provides for the appointment of committees, mediators, fact finders, etc., for the purposes set out in the section.

SECTION 3. Subsection 2 of section 9 of the Act now reads as follows:

- (2) *For the purpose of procuring such information or for the purpose of assisting the Ministry in carrying out any of the provisions of section 6, the Minister may authorize the Board or any members of the Board to conduct a public inquiry and the Board and the member or members thereof acting under such authority have, for the purpose of conducting such public inquiry, the powers of a commission under Part II of The Public Inquiries Act, 1971, which Part applies to such public inquiry as if it were an inquiry under that Act.*

The repeal of the subsection is complementary to the abolition of the Industry and Labour Board.

SECTION 4. Section 10 of the Act at present establishes the Labour Safety Council of Ontario, provides for the appointment of its members and sets out its function and powers. The Labour Safety Council of Ontario is abolished. The re-enacted section 10 establishes the Advisory Council on Occupational Health and Occupational Safety, provides for the appointment and remuneration of its members and sets out its function and powers.



## An Act to amend The Ministry of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (a),  
re-enacted

(a) "Advisory Council" means the Advisory Council on Occupational Health and Occupational Safety.

2. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,  
re-enacted

8.—(1) The Minister may appoint committees or persons as mediators, fact finders, consultants or advisers to assist or advise the Minister on any matters or to inquire into and report to the Minister on any matters or disputes as the Minister considers advisable. Appointment  
of  
committees,  
mediators,  
etc.

(2) The remuneration and expenses of any person appointed under subsection 1 shall be fixed by the Minister with the approval of the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature. Remunera-  
tion and  
expenses

3. Subsection 2 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 29, is repealed. s. 9 (2),  
repealed

4. Section 10 of the said Act is repealed and the following substituted therefor: s. 10,  
re-enacted

10.—(1) There shall be a council to be known as the Advisory Council on Occupational Health and Occupational Safety composed of not fewer than twelve and not more than twenty members appointed by the Lieutenant Governor in Council on the recommendation of the Minister. Advisory  
Council on  
Occupational  
Health and  
Occupational  
Safety

Term of  
office of  
members

(2) The members of the Advisory Council shall be appointed for such term as the Lieutenant Governor in Council determines and shall be representative of management, labour and technical or professional persons and the public who are concerned with and have knowledge of occupational health and occupational safety.

Chairman  
and vice-  
chairman

(3) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman of the Advisory Council from among the members appointed.

Vacancies

(4) The Lieutenant Governor in Council may fill any vacancy that occurs in the membership of the Advisory Council.

Remunera-  
tion and  
expenses

(5) The remuneration and expenses of the members of the Advisory Council shall be determined by the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of  
Advisory  
Council

(6) The Advisory Council, with the approval of the Minister, may make rules and pass resolutions governing its procedure, including the calling of meetings, the establishment of a quorum, and the conduct of meetings.

Idem

(7) The function of the Advisory Council is and it has power,

(a) to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and

(b) to advise the Minister on matters relating to occupational health and occupational safety that may be brought to its attention or be referred to it.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ministry of Labour Amendment Act, 1977*.







An Act to amend  
The Ministry of Labour Act

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. B. STEPHENSON  
Minister of Labour

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*(Government Bill)*



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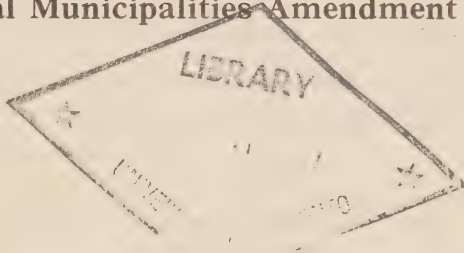
1977  
P. 1000000

**BILL 63**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**The Regional Municipalities Amendment Act, 1977**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

### GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

PART I — Ottawa-Carleton (ss. 1-4).

PART II — Niagara (ss. 5-8).

PART III — York (ss. 9-12).

PART IV — Waterloo (ss. 13-16).

PART V — Sudbury (ss. 17-20).

PART VI — Peel (ss. 21-24).

PART VII — Halton (ss. 25-29).

PART VIII — Hamilton-Wentworth (ss. 30-33).

PART IX — Durham (ss. 34-37).

PART X — Haldimand-Norfolk (ss. 38-41).

The following four numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. Sections 1, 5, 9, 13, 17, 21, 25, 30, 34, 38.

The effect of the re-enactment is to remove the requirement of a two-thirds vote of the Regional Council to remove the auditor for cause: a simple majority will now suffice. An example of the subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

(1) *The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.*

2. Sections 3 (1), 7 (1, 2), 11 (1, 2), 15 (1), 19 (1), 23 (1), 27 (1), 32 (1), 36 (1), 40 (1).

The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required "to meet expenditures incurred"; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. An example of the two subsections to be re-enacted, showing underlined the restriction to be removed is set out below:

- (1) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of an area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*

3. Sections 3 (2), 7 (3), 11 (3), 15 (2), 19 (2), 23 (2), 27 (2), 32 (2), 36 (2), 40 (2).

The subsection to be added will permit the signature of the chairman and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

4. Sections 4, 8, 12, 16, 20, 24, 28, 33, 37, 41.

The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the Regional Corporation to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the subsection added is to enable the Regional Corporation to accept gifts or bequests of money for this and other purposes.

The sections mentioned below apply only to the regional municipalities of Ottawa-Carleton, Niagara, York, Waterloo and Sudbury.

Sections 2, 6, 10, 14, 18.

The effect of the re-enactment is to permit the mechanical reproduction of the signature of the treasurer on promissory notes if the note is countersigned by some other person authorized by by-law to countersign it; an example of the subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (5a) *The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any*

*other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.*

The sections mentioned below apply only to the regional municipalities of Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk.

*Sections 22, 26, 31, 35, 39.*

An example of the section being replaced, as it now reads, is set out below:

*91.—(1) Section 332 of The Municipal Act applies mutatis mutandis to the Regional Council.*

*(2) In 1974, for the purposes of subsection 4 of section 332 of The Municipal Act, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.*

The effect of the re-enactment is to replace the cross-reference to *The Municipal Act* provisions regarding temporary borrowing for current purposes with this newly-written section. It is substantially the same as *The Municipal Act* provisions, but removes the requirement that the Regional treasurer provide to the lender a copy of the borrowing by-law a statement showing the amount of the year's uncollected revenues and also the amount of any unpaid temporary borrowings. In addition, the re-enactment allows the mechanical signature of promissory notes by the Regional chairman, and where authorized by by-law, mechanical signature by the Regional treasurer.

Section 29 of the Bill applies only to the Regional Municipality of Halton. Section 138 of the Act now reads as follows:

*138.—(1) The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.*

*(2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation.*

The subsection to be added remedies an oversight by deeming the Museum Association to have been dissolved on the same date the Museum Board was dissolved and the assets of the Museum vested in the Regional Corporation.

BILL 63

1977

## The Regional Municipalities Amendment Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 1 of section 25 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 25 (1),  
re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Appointment  
of auditors

2. Subsection 5a of section 95 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 138, section 14, is repealed and the following substituted therefor:

s. 95 (5a),  
re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Idem



s. 99 (1, 2),  
re-enacted

- 3.—(1) Subsections 1 and 2 of section 99 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 99,  
amended

- (2) The said section 99 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 124 (1),  
re-enacted

- 4.—(1) Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 6, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 248*a*, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24 and 41 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.



- (2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19 and 1976, chapter 70, section 6, is further amended by adding thereto the following subsection:

(5a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. s. 124, amended  
Application of R.S.O. 1970, c. 280, s. 13

## PART II

### THE REGIONAL MUNICIPALITY OF NIAGARA

5. Subsection 1 of section 25 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. Appointment of auditors

6. Section 130 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 11, is further amended by adding thereto the following subsection:

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

- 7.—(1) Subsection 1 of section 134 of the said Act is repealed and the following substituted therefor: s. 134 (1), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of Borrowing pending issue and sale of debentures

such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 134 (2),  
re-enacted

- (2) Subsection 2 of the said section 134, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 12, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 134,  
amended

- (3) The said section 134, as amended by the Statutes of Ontario, 1972, chapter 51, section 12, is further amended by adding thereto the following subsection:

Signature of  
chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 154 (1),  
re-enacted

- 8.—(1) Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 11, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, and sections 333 and 348, paragraphs 3, 10, 11, 12, 24 and 41 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 154,  
amended

- (2) The said section 154, as amended by the Statutes of Ontario, 1971, chapter 77, section 8 and 1976, chapter 70,

section 11, is further amended by adding thereto the following subsection:

(7a) The Regional Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of *The R.S.O. 1970, c. 280, s. 13* *Mortmain and Charitable Uses Act*.

### PART III

#### THE REGIONAL MUNICIPALITY OF YORK

9. Subsection 1 of section 25 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 25 (1), re-enacted</sup>

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. <sup>Appointment of auditors</sup>

10. Subsection 5a of section 125 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 156, section 6, is repealed and the following substituted therefor: <sup>s. 125 (5a), re-enacted</sup>

(5a) The signature of the chairman or any other person <sup>Idem</sup> authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 11.—(1) Subsection 1 of section 129 of the said Act is repealed and the following substituted therefor: <sup>s. 129 (1), re-enacted</sup>

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. <sup>Borrowing pending issue and sale of debentures</sup>

s. 129 (2),  
re-enacted

- (2) Subsection 2 of the said section 129, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 16, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 129,  
amended

- (3) The said section 129, as amended by the Statutes of Ontario, 1972, chapter 78, section 16, is further amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 149 (1),  
re-enacted

- 12.—**(1) Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 18, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 149,  
amended

- (2) The said section 149, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19 and 1976, chapter 70, section 18, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.



## PART IV

## THE REGIONAL MUNICIPALITY OF WATERLOO

- 13.** Subsection 1 of section 26 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor: s. 26 (1), re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. Appointment of auditors

- 14.** Subsection 5a of section 133 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 137, section 7, is repealed and the following substituted therefor: s. 133 (5a), re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

- 15.—**(1) Subsections 1 and 2 of section 137 of the said Act are repealed and the following substituted therefor: s. 137 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality Idem

shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 137,  
amended

(2) The said section 137 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 158 (1),  
re-enacted

**16.**—(1) Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 24, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 158,  
amended

(2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5, section 2 and 1976, chapter 70, section 24, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART V

### THE REGIONAL MUNICIPALITY OF SUDBURY

s. 26 (1),  
re-enacted

**17.** Subsection 1 of section 26 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:



(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

Appointment  
of auditors

18. Subsection 5a of section 91 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 139, section 10, is repealed and the following substituted therefor:

s. 91 (5a),  
re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Idem

- 19.—(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor:

s. 94 (1, 2),  
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing  
pending  
issue and  
sale of  
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

s. 94,  
amended

- (2) The said section 94 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 115 (1),  
re-enacted

- 20.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 30, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 115,  
amended

- (2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31 and 1976, chapter 70, section 30, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART VI

### THE REGIONAL MUNICIPALITY OF PEEL

s. 26 (1),  
re-enacted

- 21.** Subsection 1 of section 26 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

- 22.** Section 91 of the said Act is repealed and the following s. 91.  
re-enacted substituted therefor:

91.—(1) The Regional Council may by by-law, either Current borrowings before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time Limit upon borrowings for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon Temporary application of estimates of preceding year borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of Protection of lender borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person Idem authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of  
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty  
for excess  
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty  
for mis-  
application  
of revenues  
by Regional  
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty  
for mis-  
application  
of revenues  
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving  
as to  
penalties

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1970,  
c. 118

s. 95 (1, 2),  
re-enacted

**23.—**(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the



purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- <sup>Idem</sup>ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(2) The said section 95 is amended by adding thereto the <sup>s. 95.</sup> following subsection: <sup>amended</sup>

(6) The signature of the chairman or any other person <sup>Signature</sup> authorized to sign loan agreements may be written, stamped, <sup>of chairman,</sup> lithographed, engraved or otherwise mechanically reproduced <sup>etc., may be</sup> on loan agreements made under this section and, if such <sup>mechanically</sup> loan agreement is countersigned in writing by the deputy <sup>reproduced</sup> treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

**24.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted <sup>s. 115 (1),</sup> by the Statutes of Ontario, 1976, chapter 70, section 36, <sup>re-enacted</sup> is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, <sup>Application</sup> subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, <sup>of</sup> 245, 248a, 249, 250, 254, subsection 3 of section 308, sections <sup>R.S.O. 1970.</sup> 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, <sup>c. 284</sup> 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) The said section 115, as amended by the Statutes of <sup>s. 115.</sup> Ontario, 1974, chapter 5, section 3, 1974, chapter 117, <sup>amended</sup> section 37, and 1976, chapter 70, section 36, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART VII

### THE REGIONAL MUNICIPALITY OF HALTON

s. 26 (1),  
re-enacted

- 25.** Subsection 1 of section 26 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 91,  
re-enacted

- 26.** Section 91 of the said Act is repealed and the following substituted therefor:

Current  
borrowings

91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
or preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.



(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by Regional Council

Penalty  
for mis-  
application  
of revenues  
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving  
as to  
penalties

R.S.O. 1970,  
c. 118

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

s. 95 (1, 2),  
re-enacted

**27.—**(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 95,  
amended

(2) The said section 95 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such

loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 28.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted <sup>s. 115 (1), re-enacted</sup> by the Statutes of Ontario, 1976, chapter 70, section 42, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, <sup>Application of R.S.O. 1970, c. 284</sup> subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of <sup>s. 115, amended</sup> Ontario, 1974, chapter 5, section 4, 1974, chapter 117, section 42 and 1976, chapter 70, section 42, is further amended by adding thereto the following subsection:

(6a) The Regional Corporation shall be deemed to be a <sup>Application of R.S.O. 1970, c. 280, s. 13</sup> municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

- 29.** Section 138 of the said Act, as amended by the Statutes of <sup>s. 138, amended</sup> Ontario, 1973, chapter 162, section 10, is further amended by adding thereto the following subsection:

(3) The Halton County Museum Association is deemed to <sup>County Museum Association deemed dissolved</sup> have been dissolved on the 1st day of January, 1974 and all the assets and liabilities thereof vested in the Regional Corporation.

## PART VIII

### THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- 30.** Subsection 1 of section 26 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed <sup>s. 26 (1), re-enacted</sup> and the following substituted therefor:

(1) The Regional Council shall by by-law appoint one or <sup>Appointment of auditors</sup> more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation

and of every local board of the Regional Corporation, except school boards.

s. 91,  
re-enacted

**31.** Section 91 of the said Act is repealed and the following substituted therefor:

Current  
borrowings

91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by



by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by Regional Council

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1970, c. 118

**32.**—(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor: s. 95 (1, 2), re-enacted

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 95,  
amended

(2) The said section 95 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 115 (1),  
re-enacted

**33.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 48, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.



- (2) The said section 115, as amended by the Statutes of <sup>s. 115, amended</sup> Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 70, section 48 and 1976, chapter 84, section 2, is further amended by adding thereto the following subsection:

(6a) The Regional Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. <sup>R.S.O. 1970, c. 280, s. 13</sup>

## PART IX

### THE REGIONAL MUNICIPALITY OF DURHAM

- 34.** Subsection 1 of section 26 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following <sup>s. 26 (1), re-enacted</sup> substituted therefor:

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. <sup>Appointment of auditors</sup>

- 35.** Section 99 of the said Act is repealed and the following <sup>s. 99, re-enacted</sup> substituted therefor:

99.—(1) The Regional Council may by by-law, either <sup>Current borrowings</sup> before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time <sup>Limit upon borrowings</sup> for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of  
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty  
for excess  
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty  
for mis-  
application  
of revenues  
by Regional  
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of

the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties R.S.O. 1970, c. 118

**36.**—(1) Subsections 1 and 2 of section 103 of the said Act are repealed and the following substituted therefor:

s. 103 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(2) The said section 103 is amended by adding thereto the following subsection:

s. 103, amended



Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 123 (1),  
re-enacted

**37.**—(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 55, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 123,  
amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, section 52 and 1976, chapter 70, section 55, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART X

### THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 26 (1),  
re-enacted

**38.** Subsection 1 of section 26 of *The Regional Municipality of Haldimand-Norfolk Act*, 1973, being chapter 96, is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

39. Section 95 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 95.  
re-enacted

95.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. Current  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon  
borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary  
application  
of estimates  
of preceding  
year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection  
of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of  
promissory  
notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may Idem

be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of  
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty  
for excess  
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty  
for mis-  
application  
of revenues  
by Regional  
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty  
for mis-  
application  
of revenues  
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving  
as to  
penalties

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1970,  
c. 118

s. 99 (1, 2),  
re-enacted

**40.**—(1) Subsections 1 and 2 of section 99 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:



(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing  
pending  
issue and  
sale of  
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(2) The said section 99 is amended by adding thereto the following subsection:

s. 99.  
amended

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

41.—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4 and re-enacted by 1976, chapter 70, section 61, is repealed and the following substituted therefor:

s. 119 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application  
of  
R.S.O. 1970.  
c. 284

s. 119,  
amended

- (2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57 and 1976, chapter 70, section 61, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

#### MISCELLANEOUS

Commence-  
ment

- 42.** This Act comes into force on the day it receives Royal Assent.

Short title

- 43.** This Act may be cited as *The Regional Municipalities Amendment Act, 1977*.



The Regional Municipalities Amendment  
Act, 1977

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

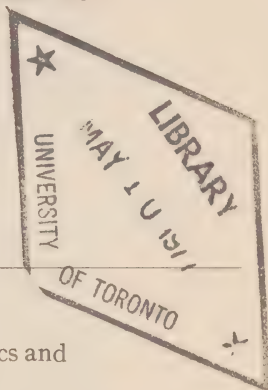
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-B-56

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publication

**An Act to amend  
The District Municipality of Muskoka Act**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

## EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the District Council to remove the auditor for cause: a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.*

SECTION 2. The effect of the re-enactment of subsection 5a of section 106 is to permit the mechanical reproduction of the signature of the treasurer on promissory notes if the note is countersigned by some other person authorized by by-law to countersign it; the subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (5a) *The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.*

SECTION 3.—Subsections 1 and 2. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required “to meet expenditures incurred”; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed, are set out below:

- (1) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*



## An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 24 (1),  
re-enacted

(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation. Appointment  
of auditors

2. Subsection 5a of section 106 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 146, section 4, is repealed and the following substituted therefor: s. 106 (5a),  
re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

- 3.—(1) Subsection 1 of section 110 of the said Act is repealed and the following substituted therefor: s. 110 (1),  
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the Borrowing  
pending  
issue and  
sale of  
debentures

issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 110 (2),  
re-enacted

- (2) Subsection 2 of the said section 110, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 9, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 110,  
amended

- (3) The said section 110, as amended by the Statutes of Ontario, 1972, chapter 52, section 9, is further amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 130 (1),  
re-enacted

- 4.—(1) Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 71, section 6, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Subsection 3. The subsection to be added will permit the signature of the chairman and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the District Corporation to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 5a is to enable the District Corporation to accept gifts or bequests of money for this and other purposes.



- (2) The said section 130, as amended by the Statutes of <sup>s. 130, amended</sup> Ontario, 1971, chapter 76, section 2 and 1976, chapter 71, section 6, is further amended by adding thereto the following subsection:

(5a) The District Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of *The R.S.O. 1970, c. 280, s. 13* *Mortmain and Charitable Uses Act*.

5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
ment
6. This Act may be cited as *The District Municipality of Muskoka* <sup>Short title</sup>  
*Amendment Act, 1977*.

An Act to amend  
The District Municipality of  
Muskoka Act

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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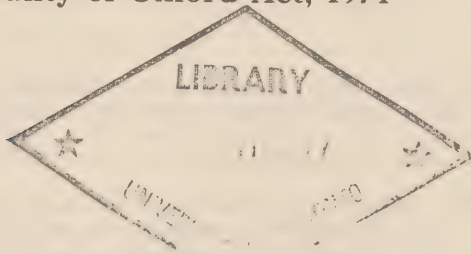
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**BILL 65**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend  
The County of Oxford Act, 1974**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

#### EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the County Council to remove the auditor for cause; a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.*

SECTION 2. Section 90 of the Act now reads as follows:

90.—(1) *Section 332 of The Municipal Act applies mutatis mutandis to the County.*

- (2) *In 1975, for the purposes of subsection 4 of section 332 of The Municipal Act, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.*

The effect of the re-enactment is to replace the cross-reference to *The Municipal Act* provisions regarding temporary borrowing for current purposes, with this newly-written section. It is substantially the same as *The Municipal Act* provisions, but removes the requirement that the County treasurer provide to the lender a copy of the borrowing by-law, a statement showing the amount of the year's uncollected revenues and also the amount of any unpaid temporary borrowings. In addition, the re-enactment allows the mechanical signature of promissory notes by the warden, and where authorized by by-law, mechanical signature by the County treasurer.

BILL 65

1977

**An Act to amend  
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 26 of *The County of Oxford Act, 1974*, s. 26 (1),  
re-enacted being chapter 57, is repealed and the following substituted therefor:

(1) The County Council shall by by-law appoint one or Appointment  
of auditors more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the County Council and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

2. Section 90 of the said Act is repealed and the following substituted therefor: s. 90,  
re-enacted

90.—(1) The County Council may by by-law, either before Current  
borrowings or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the warden and treasurer to borrow from time to time by way of promissory note such sums as the County Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the County for the year, including the amounts required for principal and interest falling due within the year upon any debt of the County and the sums required by law to be provided by the County Council for any local board of the County.

(2) The amount that may be borrowed at any one time Limit upon  
borrowings for the purposes mentioned in subsection 1, together with borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues

of the County as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of previous  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the County as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the County and signed by the warden or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the warden or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The County Council may by by-law provide or authorize the warden and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the County for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of  
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the warden and treasurer.

Penalties  
for excess  
borrowings

(9) If the County Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.



SECTION 3.—Subsection 1. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required “to meet expenditures incurred”; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed, are set out below:

- (1) *Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*

Subsection 2. The subsection to be added will permit the signature of the warden and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.



(10) If the County Council authorizes the application of any revenues of the County charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty  
for mis-  
application  
of revenues  
by County  
Council

(11) If any member of the County Council or officer of the County knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty  
for mis-  
application  
of revenues  
by officials

(12) Subsections 9, 10 and 11 do not apply to the County Council or any member of the County Council or officer of the County acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the County is made with the consent of the lender in whose favour a charge exists.

Saving  
as to  
penalties

R.S.O. 1970.  
c. 118

3.—(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor:

s. 94 (1, 2).  
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing  
pending  
issue and  
sale of  
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

s. 94,  
amended

- (2) The said section 94 is amended by adding thereto the following subsection:

Signature  
of warden,  
etc., may be  
mechanically  
reproduced

(6) The signature of the warden or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 114 (1),  
re-enacted

- 4.—(1) Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 73, section 11, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

s. 114,  
amended

- (2) The said section 114, as amended by the Statutes of Ontario, 1974, chapter 118, section 3 and 1976, chapter 73, section 11, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(3a) The County shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The County of Oxford Amendment Act, 1977*.

SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the County to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 3a is to enable the County to accept gifts or bequests of money for this and other purposes.





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## BILL 65

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An Act to amend  
The County of Oxford Act, 1974

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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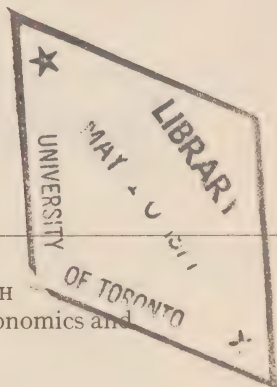
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**BILL 66**

**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ~~ONTARIO~~  
26 ELIZABETH II, 1977

**An Act to amend  
The Municipality of Metropolitan Toronto Act**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the Metropolitan Council to remove the auditor for cause: a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation, except The Metropolitan Toronto School Board.*

SECTION 2.—Subsection 1. The effect of the re-enactment of subsection 1 of section 217 is to permit temporary borrowing for current purposes until the “levies and other revenues are received”; the subsection now permits such borrowing until the levies are received. The subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (1) *The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation, and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.*

BILL 66

1977

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 54, section 1, is repealed and the following substituted therefor: s. 22 (1),  
re-enacted

(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation, except The Metropolitan Toronto School Board. Appointment  
of auditors

- 2.—(1) Subsection 1 of section 217 of the said Act is repealed and the following substituted therefor: s. 217 (1),  
re-enacted

(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation. Current  
borrowings

s. 217 (6a),  
re-enacted

- (2) Subsection 6a of the said section 217, as enacted by the Statutes of Ontario, 1973, chapter 171, section 6, is repealed and the following substituted therefor:

Idem

(6a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 222 (1, 2),  
re-enacted

- 3.—(1) Subsections 1 and 2 of section 222 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.

s. 222,  
amended

- (2) The said section 222 is amended by adding thereto the following subsection:

Signature of  
chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy

Subsection 2. The effect of the re-enactment of subsection 6a of section 217 is to permit the mechanical reproduction of the signature of the treasurer on promissory notes if the note is countersigned by some other person authorized by by-law to countersign it; the subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (6a) *The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.*

SECTION 3.—Subsection 1. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required “to meet expenditures incurred”; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed are set out below:

- (1) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.*

Subsection 2. The subsection to be added will permit the signature of the chairman and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.



SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the Metropolitan Corporation to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 9 is to enable the Metropolitan Corporation to accept gifts or bequests of money for this and other purposes.

SECTION 5. The effect of the re-enactment is to remove the requirement of a three-fourths vote of the Metropolitan Council to authorize payments for entertaining guests and travelling on civic business; a simple majority vote will now suffice. Section 242a as it now reads, showing underlined the words to be deleted, is set out below:

242a. *The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 394 of The Municipal Act.*



treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 4.—(1) Subsection 1 of section 241 of the said Act, as re-enacted <sup>s. 241 (1), re-enacted</sup> by the Statutes of Ontario, 1976, chapter 72, section 7, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application of</sup> 242a, 248a and 249, subsection 3 of section 308, and paragraphs 3, 10, 11, 12, 24, 29, 41 and 42 of section 352 of <sup>R.S.O. 1970, c. 284</sup> *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

- (2) The said section 241, as amended by the Statutes of <sup>s. 241, amended</sup> Ontario, 1976, chapter 72, section 7, is further amended by adding thereto the following subsection:

(9) The Metropolitan Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of <sup>R.S.O. 1970, c. 280, s. 13</sup> *The Mortmain and Charitable Uses Act*.

5. Section 242a of the said Act, as enacted by the Statutes of <sup>s. 242a, re-enacted</sup> Ontario, 1971, chapter 7, section 3, is repealed and the following substituted therefor:

242a. The Metropolitan Council may expend in any year <sup>Expenses for entertaining guests and for travelling on civic business</sup> such sum as it may determine for the purposes set out in section 394 of *The Municipal Act*.

6. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

7. This Act may be cited as *The Municipality of Metropolitan* <sup>Short title</sup> *Toronto Amendment Act, 1977*.

**BILL 66**

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An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

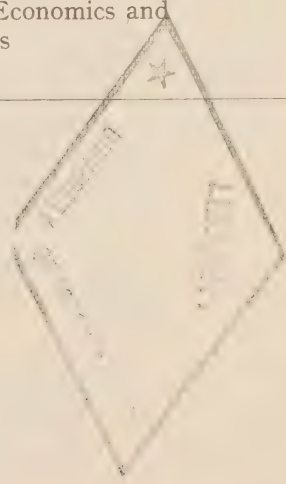
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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publication

**An Act to amend The Municipal Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1. Section 38 of the Act sets out the circumstances under which the seat of a member of council becomes vacant and it now reads as follows:

38. *The seat of a member of council becomes vacant if,*
- (a) *he becomes disqualified from holding the office of a member of council under section 36;*
  - (b) *he has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;*
  - (c) *he absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;*
  - (d) *he files his resignation with the clerk of the municipality as provided in subsection 6 of section 90 of The Municipal Elections Act, 1972, for the purpose of becoming a candidate for some other office;*
  - (e) *he resigns from his office and his resignation is effective under section 40;*
  - (f) *he is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;*
  - (g) *his office is declared vacant in any judicial proceedings; or*
  - (h) *he forfeits his office under this or any other Act.*

The added clause *i* is designed to make it clear that death creates a vacancy if it occurs prior to accepting office and taking the prescribed declarations.

SECTION 2. Section 198 of the Act now reads as follows:

198. *No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council.*

The restructuring of this section is consequential on the proposed amendment to section 388 of the Act, as to which see the note to section 6 of the Bill.

SECTION 3. Section 245 of the Act now reads as follows:

245. *Notwithstanding any other provision in this Act or any general or special Act,*
- (a) *the fiscal year of every municipality and local board, as defined in The Municipal Affairs Act, is the calendar year from the 1st day of January to the 31st day of December; and*
  - (b) *the accounts referred to in section 231 are those of the next preceding fiscal year.*

The added subsections 2, 3 and 4 govern municipal hospitals and fix their fiscal year as that prescribed under *The Public Hospitals Act*, being the 1st day of April to the 31st day of March. Dates are also set out for the submission of estimates, annual reports and statements.

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by striking out "or" at the end of clause *g*, by adding "or" at the end of clause *h* and by adding thereto the following clause:

(i) he dies, whether prior or subsequent to accepting office and making the prescribed declarations.

2. Section 198 of the said Act is repealed and the following substituted therefor:

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to annual allowances to members of council or to allowances for attendance at meetings to be fixed by by-law pursuant to clauses *a* and *b* of subsection 1 of section 388.

3. Section 245 of the said Act is repealed and the following substituted therefor:

245.—(1) Subject to subsection 2 but notwithstanding any other provision in this Act or any general or special Act, the fiscal year of every municipality and local board, as defined in *The Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December and the accounts referred to in section 231 are those of the next preceding fiscal year.

(2) The fiscal year of every public hospital owned by the corporation of a municipality shall be the fiscal year of a public hospital as prescribed under *The Public Hospitals Act*.

Annual  
statement  
or report

(3) Notwithstanding the provisions of this or any general or special Act where an estimate of expenditures, revenue or capital or an annual statement or report, including a report of an auditor, in respect of a public hospital mentioned in subsection 2 is required to be prepared by the provisions of any special Act, such estimate, statement or report shall be prepared in respect of the fiscal year as prescribed under *The Public Hospitals Act* and not in respect of the calendar year and the date upon or prior to which such an estimate shall be prepared and certified for the consideration of a board of control or a council of a municipality shall be the 1st day of March in each year, or such other date as the council may by by-law provide, and the date upon or prior to which such annual report or statement shall be prepared and submitted to a board of control or a council of a municipality shall be the 15th day of May or such other date as the council may by by-law provide.

R.S.O. 1970,  
c. 378

Application  
of s. 307 (1)

(4) Notwithstanding the provisions of this or any general or special Act, where the council of a municipality has considered the estimates of a public hospital referred to in subsection 3 and has determined the sum to be levied by it for the purposes of such hospital for the fiscal year of the hospital, that sum shall be deemed to be the sum required by law to be provided by the council for the hospital for purposes of subsection 1 of section 307.

s. 293 (3) (e).  
repealed

4.—(1) Clause *e* of subsection 3 of section 293 of the said Act is repealed.

s. 293 (3),  
amended

(2) Subsection 3 of the said section 293, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3 and 1976, chapter 69, section 4, is further amended by adding thereto the following clauses:

R.S.O. 1970,  
c. 213

(*n*) pursuant to section 16 of *The Housing Development Act* respecting the acquisition of land for housing purposes; or

(*o*) by the council of a local municipality for providing money for the paving or repaving of highways and the construction, reconstruction or reflooring of bridges, under the jurisdiction of the council of the municipality or under the joint jurisdiction of the council of the municipality and the council of another municipality.

s. 354 (1),  
amended

5. Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:



SECTION 4.—Subsection 1. The clause that is proposed to be repealed specifies a by-law that does not require the assent of the electors and now reads as follows:

- (e) *by the council of a city with the approval of the Municipal Board for providing such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream that constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be provided for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or*

In expanded form the provision will now appear as clause o of subsection 3 of section 293; see the note to subsection 2 of this section.

Subsection 2. The clauses added specify additional by-laws that may be passed by municipalities without the assent of the electors.

SECTION 5. Section 354 of the Act sets out many classes of by-laws that may be passed by the councils of local municipalities; the added paragraph 26a empowers such municipalities to pass by-laws for the purposes specified.

SECTION 6. Section 388 of the Act now reads as follows:

- 388.—(1) *The council of a municipality may pass by-laws for paying the members of council for attendance at meetings of council or of its committees such per diem rate as the council may determine.*
- (2) *Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings.*
- (3) *In the case of a council of a county or a township, the by-law may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings.*
- (4) *The head of the council of a municipality may be paid for his services as a member of any public utility commission the same per diem rate as is determined by the council under subsection 1.*

The effect of the re-enactment of subsection 1 is to permit the council of a municipality to provide for the payment to its members of a *per diem* rate for attendance at meetings related to municipal business, but the payment for attendance at which is not otherwise authorized under *The Municipal Act* or any other general or special Act. The re-enactment of the other subsections is consequential.

26a. For adopting and participating in an emergency fire service plan and program established by the fire co-ordinator of a regional, district or metropolitan municipality, or by a county or district fire co-ordinator, upon such terms and conditions as the council considers appropriate, provided that notwithstanding the provisions of any such plan and program, no liability accrues to a municipality for failing to supply the use of fire fighting equipment in accordance with the plan and program.

Emergency  
fire service  
plan

6. Section 388 of the said Act is repealed and the following substituted therefor:

s. 388.  
re-enacted

388.—(1) The council of a municipality may pass by-laws,

Remunera-  
tion of  
councillors

- (a) for paying the members of council for attendance at meetings of council or of its committees such *per diem* rate as the council may determine;
- (b) for paying the members of council such *per diem* rate as council may determine for attendance, when such attendance is authorized by resolution of council, at meetings, whether held within or outside the boundaries of the municipality, other than meetings of any other body in respect of which the members of council are paid remuneration pursuant to this or any general or special Act.

- 1. A by-law passed pursuant to this clause may define a class or classes of meetings in respect of which a *per diem* rate may be paid and may authorize payment of a *per diem* rate only in respect of such class or classes of meetings.
- 2. For the purpose of this clause "attendance at meetings" includes attendance at any place for the purpose of pursuing any matter in the interests of the municipality.

(2) Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings referred to in clauses *a* and *b* of subsection 1.

Where  
member  
receives  
salary

(3) In the case of a council of a county or a township, a by-law passed pursuant to clause *a* or *b* of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings.

Mileage  
allowance

Fees to  
head of  
council on  
public  
utility  
commission

(4) The head of the council of a municipality may be paid for his services as a member of any public utility commission the same *per diem* rate as is determined by the council under clause *a* of subsection 1.

s. 455.  
re-enacted

7. Section 455 of the said Act is repealed and the following substituted therefor:

Purchasing  
or renting  
machinery

455.—(1) Subject to subsection 2, the council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

Purchase of  
road-making  
machinery

(2) Where a by-law is passed by the council of a municipality under subsection 1 for the purchase of road-making machinery or appliances, the by-law may provide for the borrowing of money for the purpose of paying the purchase price for any period not exceeding ten years and for issuing debentures for the money so borrowed or for issuing to the vendor debentures payable within that period in payment of the purchase money.

s. 527 (10),  
re-enacted

8. Subsection 10 of section 527 of the said Act is repealed and the following substituted therefor:

Disposition  
of part  
payment of  
taxes

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes, and, where such taxes are required to be paid by instalments under a by-law passed under subsection 1, the remainder of such payment shall be credited first against the instalment first due and secondly against the instalment next due, and so on, until the whole of the remainder of the payment has been credited against such taxes.

s. 542.  
re-enacted

9. Section 542 of the said Act is repealed and the following substituted therefor:

Receiving  
payment on  
account of  
arrears

542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes

SECTION 7. Section 455 now reads as follows:

*455. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.*

The effect of the re-enactment is to extend from five years to ten years the period over which moneys borrowed for the purchase of road-making machinery may be repaid.

SECTION 8. Subsection 10 of section 527 of the Act now reads as follows:

*(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.*

The effect of the re-enactment is to provide that where part payment of taxes due for any year are received, after crediting the payment first on account of interest and penalty charges if any, the remainder is to be credited firstly against those instalments longest overdue.

SECTION 9. Section 542 of the Act now reads as follows:

*542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after a warrant has issued for the sale of the land for taxes.*

The re-enactment is to the same effect as that in section 8 of the Bill and relates to partial payment of taxes in arrears; that is provision is made for applying the partial payment firstly against the arrears of taxes longest outstanding.





and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time; but no such payment shall be received after a warrant has issued for the sale of the land for taxes.

**10.**—(1) This Act, except section 3, comes into force on the day <sup>Commence-</sup>  
it receives Royal Assent. <sub>ment</sub>

(2) Section 3 shall be deemed to have come into force on the <sup>Idem</sup>  
1st day of January, 1977.

**11.** This Act may be cited as *The Municipal Amendment Act, 1977*. <sup>Short title</sup>

An Act to amend  
The Municipal Act

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

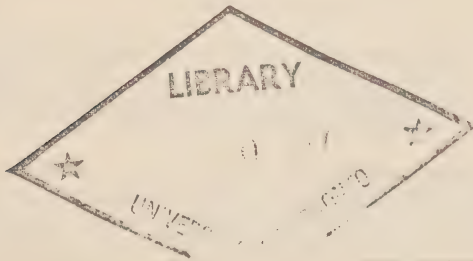
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*(Government Bill)*

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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend The Public Utilities Act**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

## EXPLANATORY NOTES

SECTION 1. The subsection to be re-enacted now reads as follows:

- (3) *In default of payment the corporation may shut off the supply but the rents or rates in default are, nevertheless, recoverable.*

The effect of the re-enactment is to provide that a municipal public utility must give forty-eight hours notice before shutting off the supply for default in payment. In addition, if the person to whom the utility is being supplied is not the owner of the premises, then notice must similarly be given to the owner.

SECTION 2. Section 59 of the Act now reads as follows:

59. *If any person supplied with any public utility neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours previous notice, may stop the supply from entering the premises of the person by cutting off the service pipes or by such other means as the company or its officers consider proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time.*

The subsection to be added is to the same effect, as the amendment proposed by section 1 of the Bill and is applicable to company public utilities.

BILL 68

1977

## An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 27 of *The Public Utilities Act*, being <sup>s. 27 (3),</sup> chapter 390 of the Revised Statutes of Ontario, 1970, is <sup>re-enacted</sup> repealed and the following substituted therefor:

(3) In default of payment, the corporation may, on giving <sup>Power to</sup> forty-eight hours notice to the person to whom the public <sup>shut off</sup> utility is being supplied, <sup>supply</sup> shut off the supply, but the rents or rates in default are, nevertheless, recoverable.

(3a) Where the person to whom the public utility is being <sup>Notice to</sup> supplied is not the owner of the premises and notice is given <sup>owner of</sup> under subsection 3, the notice shall also be given to the owner <sup>premises</sup> of the premises at the same time and in the same manner as to the person to whom the public utility is being supplied.

2. Section 59 of the said Act is amended by adding thereto the <sup>s. 59,</sup> following subsection: <sup>amended</sup>

(2) Where the person to whom any public utility is being <sup>Notice to</sup> supplied is not the owner of the premises and notice is given <sup>owner of</sup> under this section, then notice shall also be given to the <sup>premises</sup> owner of the premises at the same time and in the same manner as to the person to whom the public utility is being supplied.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>
4. This Act may be cited as *The Public Utilities Amendment Act*, <sup>ment</sup> Short title 1977.

An Act to amend  
The Public Utilities Act

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*



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**BILL 69**

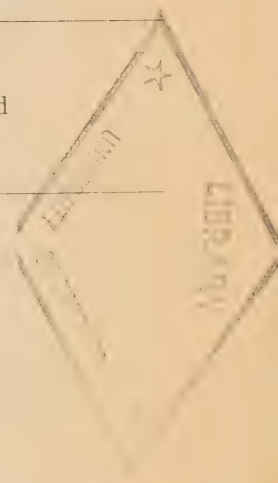
**Government Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to amend  
The City of Timmins-Porcupine Act, 1972**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1. Section 21 of the Act now reads as follows:

*21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.*

The added subsection 2 is intended to make it clear that the City when it was newly incorporated on the 1st day of January, 1973, had vested in it the right to collect arrears of education taxes then outstanding in respect of lands that formed unorganized territory prior to their annexation to the City. The new subsection 3 requires the City to pay the amount of all such tax arrears to the appropriate boards of education that had levied the tax. The new subsection 4 confirms that the City has and has always had the right to proceed under the tax arrears certificate provisions of *The Municipal Affairs Act* in the recovery of taxes owing.

SECTION 2. This is a saving provision to protect the rights of any persons who have commenced any action or proceeding, prior to the day this Act comes into force, in respect of the tax arrears certificate registration procedures.

BILL 69

1977

## An Act to amend The City of Timmins-Porcupine Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is amended by adding thereto the following subsections:
  - (2) All interests of The Timmins Board of Education and The Timmins District Roman Catholic Separate School Board in respect of education tax arrears and accumulated interest thereon uncollected as of the 1st day of January, 1973, shall be deemed to have become assets of the City, without compensation, on the 1st day of January, 1973. Interest in  
tax arrears  
vested in  
City  
s. 21,  
amended
  - (3) The City shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The Timmins Board of Education and The Timmins District Roman Catholic Separate School Board. Payment of  
arrears
  - (4) In addition to any other remedy possessed by the City for the recovery of taxes collectable by it, the City has and shall be deemed to always have had the right to recover the taxes and accumulated interest owing to it, including those education tax arrears and accumulated interest mentioned in subsection 1, under the procedures provided for in Part III of *The Municipal Affairs Act*. Right of  
City to  
recover  
arrears of  
taxes  
R.S.O. 1970,  
c. 118
2. Subsection 4 of section 21 of *The City of Timmins-Porcupine Act, 1972*, as enacted by section 1 of this Act, does not affect or prejudice any right of any person in any action, litigation or other proceeding commenced on or before the day this Act comes into force, and any such action, litigation or other proceeding may be continued and finally adjudicated upon to the same extent as if this Act had not been passed. Saving

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1977*.









An Act to amend  
The City of Timmins-Porcupine Act, 1972

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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THE HON. W. D. MCKEUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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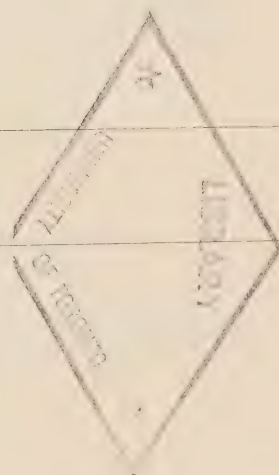
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4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

An Act to amend The Pension Benefits Act

MR. BAIN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

This Bill requires employer disclosure of current actuarial details of a registered pension plan to actual and potential employee members in that plan.

## An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

23d.—(1) Every employee, or his agent authorized in writing, who is, ss. 23d. 23e. enacted  
Employee's right of inspection

- (a) a member of;
- (b) required to become a member of; or
- (c) eligible to become a member of,

a registered pension plan may inspect and make extracts from the pension plan or any documents relating thereto.

(2) For the purposes of subsection 1, the following information shall be made available at the offices of the Commission or the administrator of the pension plan during normal business hours, Information to be made available

- (a) the provisions of the pension plan;
- (b) any amendments to the plan;
- (c) the annual pension plan information return;
- (d) the latest actuarial valuation showing,
  - (i) the official name of the plan,
  - (ii) the employer and employee contributions required for future service,
  - (iii) the balance of all actuarial deficiencies or liabilities,

- (iv) the annual special contributions required to liquidate such unfunded liabilities,
  - (v) the amortization periods, and
  - (vi) the surplus, if any; and
- (c) in the case of uninsured plans, the latest financial statements.

Employer's  
duty to  
provide  
benefit  
information  
re pension  
plan to  
employees

23e.—(1) Every employer shall provide to each employee who is eligible or required to become a member of a registered pension plan, with reference to the benefits available to him under the terms of the plan,

- (a) a written explanation of the terms and conditions of the plan applicable to the employee;
- (b) a written explanation of the rights and duties of the employee; and
- (c) such other information as may be prescribed by the regulations,

on or before the date such employee is eligible or required to become a member.

Information  
to be made  
available  
within six  
months of  
qualification  
date

(2) Within six months after the qualification date in respect of the employment in Ontario, every employer of employees in Ontario covered by a pension plan that was in effect on the qualification date in respect of employment in Ontario shall provide the explanation and information mentioned in subsection 1 including an explanation and information respecting any amendments made to the pension plan which affect the members of the pension plan to each member of the pension plan and to each employee eligible for membership in the plan.

Information  
to be made  
available  
within six  
months of  
new plan

(3) Within six months after a pension plan is established, every employer shall provide the explanation and information referred to in subsection 1 respecting the pension plan to each member of the plan and to each employee eligible for membership in the plan.

Information  
to be made  
available  
within six  
months of  
amendment

(4) Within six months after a pension plan is amended, the employer shall provide the explanation and information referred to in subsection 1 respecting the pension plan as amended to each member affected by the amendment and to each employee eligible for membership in the plan.



(5) Every employer shall provide an employee who, upon termination of employment or termination of membership in a pension plan, becomes entitled to an immediate or deferred pension benefit with a written statement showing the benefits to which he is entitled or to which he may become entitled.

Information  
to employee  
terminating  
employment

(6) Within nine months after the end of each fiscal year every employer shall provide to each employee who is a member of, eligible for membership in or required to become a member of a registered pension plan, the following statistical and financial information,

Statistical  
and  
financial  
information

(a) for all plans,

(i) the total contributions made into the plan by the members during the fiscal year,

(ii) the net total contributions made into the plan by the employer during the fiscal year; and

(b) for all plans where the instrument of underwriting is a segregated fund contract with an insurance company, a pension trust fund with a corporate trustee or a pension trust fund with individual trustees, a financial statement which will indicate,

(i) the balance in the fund at the previous fiscal year end,

(ii) the income of the fund during the fiscal year showing separately the total contributions made into the plan by the members and the total net contributions made by the employer during the fiscal year,

(iii) the expenditures from the fund during the fiscal year and showing separately, pension payments, cash withdrawals on death or termination of employment and administration costs, and

(iv) the balance in the fund at the fiscal year end.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Pension Benefits Amendment Act, 1977*.

Short title





An Act to amend  
The Pension Benefits Act

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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MR. BAIN

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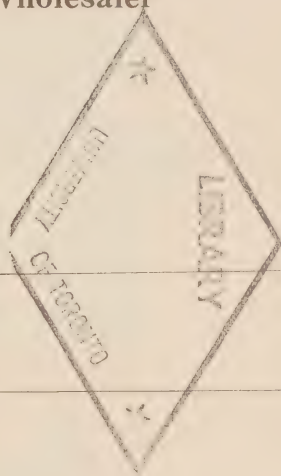
*(Private Member's Bill)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publications

**An Act to require a Single Price for Gasoline and  
Heating Oil sold in Ontario by a Wholesaler**

Mr. LANE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of this Bill is to require a wholesaler of gasoline and heating oil in Ontario to sell his gasoline or heating oil product at a single price throughout the province thereby preventing the wholesaler from charging a higher price in certain regions.



BILL 71

1977

**An Act to require a Single Price for  
Gasoline and Heating Oil sold in  
Ontario by a Wholesaler**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "gasoline" means any gas or liquid that may be used for the purpose of generating power by means of internal combustion and includes any substance added thereto, but does not include the following products, except when any such product is mixed or combined with gasoline,

(i) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,

(ii) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene,

(iii) natural or manufactured gas, or any product that is commonly known as a liquefied petroleum gas, when any of them is purchased exclusively for use otherwise than to supply power to propel any vehicle of any kind on a highway within the meaning of *The Highway Traffic Act*;

R.S.O. 1970,  
c. 202

(b) "heating oil" means any petroleum product used for the purpose of heating a residential home;

(c) "retailer" means a person who sells gasoline or heating oil for use by a purchaser and not for resale;

- (d) "uniform gasoline price" means the lowest price charged for gasoline per imperial gallon by each wholesaler to a retailer in Ontario in respect of gasoline supplied by such wholesaler;
- (e) "uniform heating oil price" means the lowest price charged for heating oil per imperial gallon by each wholesaler to a retailer in Ontario in respect of heating oil supplied by such wholesaler;
- (f) "wholesaler" means a person who sells gasoline or heating oil for the purpose of resale.

Gasoline  
to be sold  
at uniform  
price in  
Ontario

**2.—(1)** Subject to subsection 2, no wholesaler shall sell gasoline or heating oil in Ontario for a price higher than the uniform gasoline price or uniform heating oil price, as the case may be, as determined by the wholesaler.

Exception

(2) The Minister may, by order, make exceptions to subsection 1.

Liability  
of  
wholesaler

**3.** Where, contrary to section 2, a wholesaler has derived excess revenue by charging a price for gasoline or heating oil higher than the uniform gasoline price or uniform heating oil price, as the case may be, he is liable to return to the person or persons from whom he derived the excess revenue an amount equal to the whole of the excess revenue derived from such person or persons.

Offence

**4.—(1)** Every wholesaler who contravenes section 2 and every director or officer of a wholesaler who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Gasoline and Heating Oil Uniform Pricing Act, 1977*.







An Act to require a Single Price for  
Gasoline and Heating Oil sold in  
Ontario by a Wholesaler

---

*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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MR. LANE

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*(Private Member's Bill)*

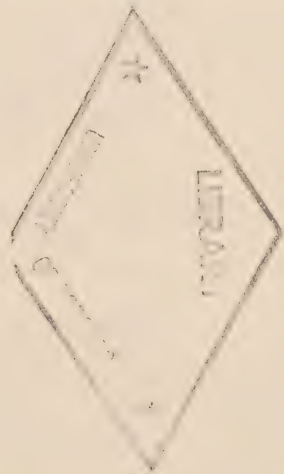


4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

Government  
Publication

An Act to amend The Condominium Act

MR. WILDMAN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

This Bill amends *The Condominium Act* to enable mobile home parks to be registered as condominium projects. The Bill also clarifies the existing law by stating that a designated unit can consist of vacant land.

This Bill, thereby, provides for flexibility in the development of mobile home condominium projects by enabling a developer to choose between designating a mobile home as a unit in itself or, alternately, designating a vacant lot as a unit upon which a mobile home may be placed.

## An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *b* and *r* of subsection 1 of section 1 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1 (1) (*b*, *r*),  
re-enacted

(*b*) “buildings” means the buildings included in a property and includes a mobile home where the mobile home is affixed to the land;

(*r*) “unit” means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered and may consist of vacant land not contained within a building.

- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 133, section 1, is further amended by adding thereto the following clause: s. 1 (1),  
amended

(*ka*) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

2. Subsection 2 of section 3 of the said Act is amended by adding thereto the following clause: s. 2 (3),  
amended

(*na*) a specification of the nature or type of structure which may be built or placed upon a unit where

the unit consists of vacant land not contained within a building; and

s. 4 (1),  
re-enacted

**3.** Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

What  
description  
must  
contain

(1) A description shall contain,

- (a) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings, if any;
- (b) structural plans of the buildings, if any;
- (c) diagrams showing the boundaries, shape and dimensions of each unit and the approximate location of each unit in relation to other units and buildings;
- (d) a certificate of a surveyor that all buildings have been constructed substantially in accordance with the structural plans and that the diagrams of the units are substantially accurate; and
- (e) a description of any interests appurtenant to the land that are included in the property, prepared in accordance with the regulations.

s. 24b (1) (b),  
re-enacted

**4.—(1)** Clause *b* of subsection 1 of section 24*b* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 14, is repealed and the following substituted therefor:

(b) those parts of the description showing,

- (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
- (ii) the boundaries, shape and dimensions of the unit and the approximate location of the unit in relation to the other units and buildings, and
- (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners.

- (2) Clause *b* of subsection 2 of the said section 24*b* is repealed s. 24*b* (2) (*b*).  
re-enacted and the following substituted therefor:

(*b*) those parts of the proposed description showing,

- (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
- (ii) the boundaries, shape and dimensions of the unit and the approximate location of the units in relation to the other units and buildings, and
- (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners.

5. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
6. This Act may be cited as *The Condominium Amendment Act*, Short title 1977.







An Act to amend  
The Condominium Act

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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MR. WILDMAN

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*(Private Member's Bill)*

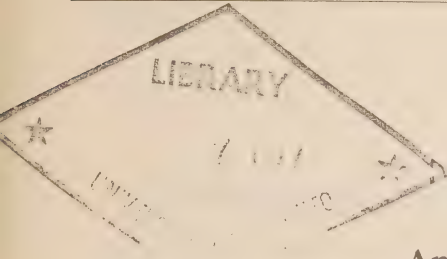
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**BILL 73**

**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977



**An Act to control  
Professional Fund-raising Corporations**

MR. NEWMAN (Windsor-Walkerville)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill provides for the licensing of professional fund-raising corporations.

BILL 73

1977

## An Act to control Professional Fund-raising Corporations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Commissioner" means the Commissioner of professional fund-raising corporations;
- (b) "Director" means the Director of the Consumer Protection Division of the Ministry;
- (c) "Minister" means the Minister of Consumer and Commercial Relations;
- (d) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (e) "professional fund-raising corporation" means a corporation that has as its objects, the raising of money for non-profit organizations in return for remuneration of any kind and includes a sole proprietorship or partnership which raises money for non-profit organizations in return for remuneration of any kind;
- (f) "regulations" means the regulations made under this Act;
- (g) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*. R.S.O. 1970,  
c. 113

### COMMISSIONER

**2.—(1)** There shall be a Commissioner of professional fund-raising corporations who shall be appointed by the Lieutenant Governor in Council. Commis-  
sioner

Powers  
and duties  
of Com-  
missioner

(2) The Commissioner may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Director.

#### LICENSING

Licensing

**3.—**(1) No person shall engage in business as a professional fund-raising corporation unless he is licensed as a professional fund-raising corporation.

Change in  
partnership

(2) Where a partnership is licensed under subsection 1, any change in the membership of the partnership shall be deemed to create a new partnership for the purpose of licensing.

Licensing,  
exception

**4.—**(1) An applicant is entitled to a licence or renewal of a licence by the Commissioner except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
  - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
  - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations.

Conditions of  
a licence

(2) A licence is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Refusal  
to grant  
a licence

**5.—**(1) Subject to section 9, the Commissioner may refuse to grant a licence to an applicant where in the Commissioner's opinion the applicant is disentitled to a licence under section 4.



(2) Subject to section 6, the Commissioner may refuse to <sup>Revocation</sup> renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under section 4 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

6.—(1) Where the Commissioner proposes to refuse to <sup>Notice of proposal to refuse or revoke</sup> grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2) A notice under subsection 1 shall inform the applicant <sup>Notice requiring hearing</sup> or licensee that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under section 1 is served on him, notice in writing requiring a hearing to the Commissioner and the Tribunal, and he may so require such a hearing.

(3) Where an applicant or licensee does not require a hearing <sup>Powers of Commissioner where no hearing</sup> by the Tribunal in accordance with subsection 2, the Commissioner may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or licensee requires a hearing by the <sup>Powers of Tribunal where hearing</sup> Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Commissioner at the hearing, may by order direct the Commissioner to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Commissioner ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Commissioner.

(5) The Tribunal may attach such terms and conditions <sup>Conditions of order</sup> to its order or to the licence as it considers proper to give effect to the purposes of this Act.

(6) The Commissioner, the applicant or licensee who has <sup>Parties</sup> required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Commissioner may <sup>Voluntary cancellation</sup> cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

(8) Where, within the time prescribed therefor or, if no <sup>Continuation of licence pending renewal</sup> time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Commissioner proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order of  
Tribunal  
effective, stay  
R.S.O. 1970,  
c. 113

(9) Notwithstanding that a licensee appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Further  
applications

7. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.

Investiga-  
tion of  
complaints

8.—(1) Where the Commissioner receives a complaint in respect of a professional fund-raising corporation and so requests in writing, the professional fund-raising corporation shall furnish the Commissioner with such information respecting the matter complained of as the Commissioner requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Commissioner or any person designated in writing by him may at any reasonable time enter upon the business premises of the licensee to make an inspection in relation to the complaint.

Inspection

9.—(1) The Commissioner or any person designated by him in writing may at any reasonable time enter upon the business premises of the licensee to make an inspection to ensure that the provisions of this Act and the regulations relating to a licence are being complied with.

Idem

(2) Where the Commissioner has reasonable and probable grounds to believe that any person is acting as a professional fund-raising corporation while not licensed, the Commissioner or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on  
inspection

10.—(1) Upon an inspection under section 8 or 9, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. Admissibility of copies

**11.** The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations by order of Minister 1971, c. 49

**12.—(1)** Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, Investigation by Director

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for licensing under this Act, R.S.C. 1970, c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

Powers of  
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. 49

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction  
of  
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search  
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of  
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books,



papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. <sup>Admissibility of copies</sup>

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. <sup>Appointment of experts</sup>

**13.**—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 8, 9, 10, 11 or 12, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, <sup>Matters confidential</sup>

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. <sup>Testimony in civil suit</sup>

**14.** Where, upon the report of an investigation made under subsection 1 of section 13, it appears to the Director that a person may have, <sup>Report</sup>

- (a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,  
c. C-34

- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for licensing under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript or evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to  
refrain from  
dealing with  
assets

**15.—(1) Where,**

- (a) an investigation of any person has been ordered under section 13; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,  
cc. 228, 89, 53  
R.S.C. 1970,  
cc. B-4, W-11

Bond in  
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1970, ,  
c. 196

in such form, terms and amount as the Director determines.



(3) Any person in receipt of a direction given under sub-section 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

#### REGULATION OF PROFESSIONAL FUND-RAISING CORPORATIONS

**16.**—(1) Every professional fund-raising corporation shall keep a record sheet in the prescribed form and proper books and accounts with respect to his business as a professional fund-raising corporation.

(2) In addition to those records prescribed under subsection 1, every professional fund-raising corporation shall file with the Minister for each fund-raising event undertaken by the corporation a financial statement in the prescribed form showing the amount collected, the expenses of the campaign and the amount turned over to the non-profit organization for which the campaign was conducted.

**17.**—(1) Every professional fund-raising corporation shall maintain an account designated as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys that come into its hands in trust for other persons in connection with its business, and it shall at all times keep such moneys separate and apart from moneys belonging to itself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust.

(2) Where a professional fund-raising corporation holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the professional fund-raising corporation shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

**18.** Every professional fund-raising corporation shall be bonded in the form and manner as is prescribed in the regulations.

**19.** No professional fund-raising corporation shall charge an amount towards overhead in relation to direct expenses greater than that amount prescribed in the regulations.

**Service**            **20.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

**Where service deemed to be made**            (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

**Exception**            (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

**Restraining orders**            **21.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

**Appeal**            (2) An appeal lies to the Supreme Court from an order made under subsection 1.

**Offences**            **22.**—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

**Corporations**            (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted except with the consent of the Minister. <sup>Consent of Minister</sup>

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. <sup>Limitation</sup>

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. <sup>Idem</sup>

**23.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) requiring and governing the books, accounts and records that shall be kept by licensed professional fund-raising corporations;
- (b) prescribing the form of financial statements to be filed under subsection 2 of section 16;
- (c) governing applications for a licence or renewal of a licence and prescribing terms and conditions of licences;
- (d) prescribing the fees payable upon applications for licences and renewal of licences and any other fees in connection with the administration of this Act and the regulations;
- (e) prescribing the practice and procedure upon investigations under sections 8 and 10;
- (f) prescribing forms and providing for their use;
- (g) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (h) prescribing the form and manner in which a professional fund-raising corporation shall be bonded;
- (i) prescribing the amount which may be charged towards overhead in relation to direct expenses.

**24.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**25.** This Act may be cited as *The Professional Fund-raising Corporations Control Act, 1977*. <sup>Short title</sup>





An Act to control  
Professional Fund-raising Corporations

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*1st Reading*

April 28th, 1977

*2nd Reading*

*3rd Reading*

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MR. NEWMAN  
(Windsor-Walkerville)

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(*Private Member's Bill*)

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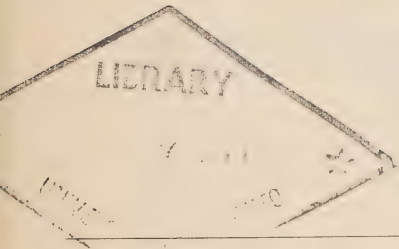


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BILL 74

Government  
Publication  
Private Member's Bill

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

An Act to amend  
The Employment Standards Act, 1974



MR. BOUNSALL

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to reduce the work week from forty-eight hours to forty hours and to require employers to pay overtime for work done in excess of forty hours per week rather than forty-four hours.

The Bill also ensures that persons employed in the growing of flowers for the retail and wholesale trade and persons performing homework will be included in these provisions under sections 17 and 25.

BILL 74

1977

## An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: s. 17,  
re-enacted

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty in the week. Maximum  
working  
hours  
R.S.O. 1970,  
c. 221

2. Subsection 1 of section 25 of the said Act is repealed and the following substituted therefor: s. 25 (1),  
re-enacted

(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty hours in any week, he shall be paid for each hour worked in excess of forty hours overtime pay at an amount not less than one and one-half times the regular rate of the employee. Overtime  
pay

3. The said Act is amended by adding thereto the following section: s. 25a,  
enacted

25a. Notwithstanding anything in this Act or the regulations to the contrary, for the purposes of sections 17 and 25, employee shall be deemed to include a person, Interpre-  
tation

(a) employed in the growing of flowers for the retail and wholesale trade; and

(b) performing homework.

4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
5. This Act may be cited as *The Employment Standards Amendment Act, 1977*. Short title

An Act to amend  
The Employment Standards  
Act, 1974

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*1st Reading*

April 29th, 1977

*2nd Reading*

*3rd Reading*

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MR. BOUNSALL

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*(Private Member's Bill)*

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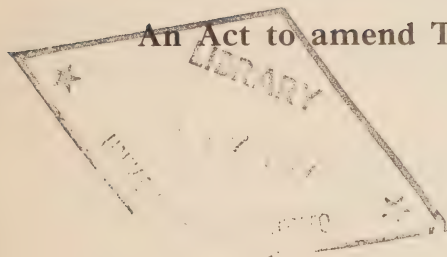
Government  
Publication

**BILL 75**

**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ~~ONTARIO~~  
26 ELIZABETH II, 1977

**An Act to amend The Labour Relations Act**



MR. BOUNSALL

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to provide that the following would become criteria for the reopening of a contract during its lifetime:

1. The making, giving or issuing of an order, direction or notice against an employer under any Act for health or safety reasons.
2. The changing or proposed changing of the production standards at the place of employment.
3. The introduction or proposed introduction of technological change at the place of employment.
4. The contracting out to other persons work which would ordinarily be carried out by employees of the employer.



## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 36,  
re-enacted

36.—(1) Every collective agreement shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate, except, Provision  
against  
strikes  
and  
lock-outs

- (a) where an order, direction or notice has been made, given or issued against the employer under any Act for health or safety reasons;
- (b) where the employer changes or proposes to change the production standards at the place of employment;
- (c) where the employer introduces or proposes to introduce technological change at the place of employment; or
- (d) where work which would ordinarily be carried out by employees of the employer is contracted out to other persons.

(2) If a collective agreement does not contain such a provision as mentioned in subsection 1, it shall be deemed to contain the following provision: Statutory  
provision

“There shall be no strikes or lock-outs so long as this agreement continues to operate, except,

- (a) where an order, direction or notice has been made, given or issued against the employer under any Act for health or safety reasons;

- (b) where the employer changes or proposes to change the production standards at the place of employment;
- (c) where the employer introduces or proposes to introduce technological change at the place of employment; or
- (d) where work which would ordinarily be carried out by employees of the employer is contracted out to other persons''.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Labour Relations Amendment Act, 1977*.







An Act to amend  
The Labour Relations Act

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*1st Reading*

April 29th, 1977

*2nd Reading*

*3rd Reading*

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MR. BOUNSALL

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*(Private Member's Bill)*



A240  
XB  
-R56

Publication

# BILL 76

Private Member's Bill

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

## An Act to prohibit the Use of Non-Returnable Beverage Containers



MR. RIDDELL

#### EXPLANATORY NOTE

The purpose of this Bill is to prohibit the use of non-returnable beverage containers and to require sellers to make a refund on each container returned to them.

## BILL 76

1977

## An Act to prohibit the Use of Non-Returnable Beverage Containers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "beer" has the same meaning as in *The Liquor Licence Act, 1975*;
- (b) "beverage" means a soft drink or beer;
- (c) "beverage container" means a glass or closed metal container in which a beverage is packaged to be sold at a retail sale;
- (d) "non-returnable beverage container" means a beverage container that is sold or offered for sale on condition that it will not be returned to a retail seller for a money payment when emptied of its contents;
- (e) "retail sale" means a sale to a person for the purpose of consumption and not for resale;
- (f) "retail seller" has a corresponding meaning;
- (g) "soft drink" means a non-alcoholic carbonated liquid made of fruit juice, flavouring, sweetening, soda water, sparkling water or mineral water or any combination of any of them as the principal ingredient thereof.

**2.** No person shall distribute, process, manufacture or bring into Ontario a non-returnable beverage container or sell or offer to sell any beverage that is contained in a non-returnable beverage container.

Use of non-  
returnable  
beverage  
containers  
prohibited

Retail seller  
shall pay  
refund

**3.**—(1) Subject to subsection 2, where a person presents to a retail seller an empty beverage container of a kind, size, and brand sold by the retail seller, the retail seller shall accept the empty container from the person and shall pay to him in cash an amount not less than,

- (a) ten cents for each beverage container that contains 350 millilitres or less of a beverage; and
- (b) twenty cents for each beverage container that contains more than 350 millilitres of a beverage.

Where  
retail seller  
may refuse  
to accept  
container

(2) A retail seller may refuse to accept a beverage container that is not intact or not in a reasonably clean condition or that is the forty-ninth or more container presented to him by the same person in a twenty-four hour period.

Retail seller  
reimbursed

**4.** Upon the request of a retail seller, each distributor, processor or manufacturer or a person acting on behalf thereof shall collect from the retail seller the beverage containers distributed, processed, manufactured or sold by it, and shall reimburse the retail seller in full for each payment made by the retail seller under section 3.

Offence

**5.** Every person who contravenes a provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Non-Returnable Beverage Containers Act, 1977*.









An Act to prohibit the Use  
of Non-Returnable Beverage Containers

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*1st Reading*

April 29th, 1977

*2nd Reading*

*3rd Reading*

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MR. RIDDELL

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(*Private Member's Bill*)

B2 4N  
B  
B56

Continued  
Publication

**BILL 77**

**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend  
The Territorial Division Act**

MR. BAIN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

This Bill transfers the townships of Black, Benoit, Melba, Bisley, Clifford, Ben Nevis and Pontiac from the District of Cochrane to the District of Timiskaming.

BILL 77

1977

## An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of paragraph 45 of section 1 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is further amended by striking out,
  - (a) Ben Nevis, Benoit, Bisley, Black and Pontiac in the first column; and
  - (b) Clifford and Melba in the third column in the amendment of 1974.
- (2) Clause *c* of paragraph 54 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is further amended by adding thereto Ben Nevis and Benoit in the first column, by adding thereto Bisley, Black and Melba in the second column and by adding thereto Clifford and Pontiac in the third column.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Territorial Division Amendment Act, 1977*.

s. 1,  
par. 45 (b),  
amended

s. 1,  
par. 54 (c),  
amended

Commence-  
ment

Short title

An Act to amend  
The Territorial Division Act

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*1st Reading*

April 29th, 1977

*2nd Reading*

*3rd Reading*

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MR. BAIN

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*(Private Member's Bill)*



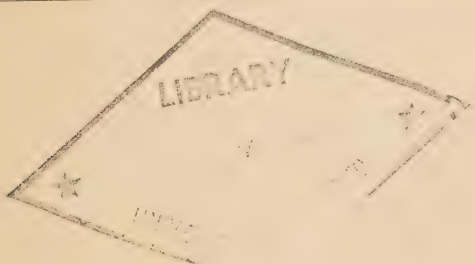
**BILL 78**

**Private Member's Bill**

4TH SESSION, 30TH LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend  
The Ontario Human Rights Code**

MR. ANGUS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to prevent discrimination in employment on the basis of a physical disability.

BILL 78

1977

## An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code*, being chapter 318 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after “status” in the twenty-second line “a physical disability”. s. 4 (1),  
amended
- (2) Subsection 2 of the said section 4 is amended by inserting after “status” in the fifth line “a physical disability”. s. 4 (2),  
amended
- (3) Subsection 3 of the said section 4 is amended by inserting after “status” in the ninth line “a physical disability”. s. 4 (3),  
amended
- (4) Subsection 4 of the said section 4 is repealed and the following substituted therefor: s. 4 (4),  
re-enacted

(4) No person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification, or preference as to race, creed, colour, nationality, ancestry, place of origin or a physical disability or that requires an applicant for employment to furnish any information concerning race, creed, colour, nationality, ancestry, place of origin or physical disability including whether the applicant has received or is receiving workmen's compensation benefits or has suffered a work-related injury. Application  
for  
employment
- (5) Subsection 5 of the said section 4 is amended by inserting after “status” in the third line “a physical disability”. s. 4 (5),  
amended
- (6) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection: s. 4,  
amended

Idem	(6a) The provisions of this section do not apply where the nature or extent of the physical disability, upon the written advice of a physician, would reasonably preclude the performance of the particular employment.
s. 4 (7), amended	(7) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "a physical disability".
s. 4a (1), amended	<b>2.</b> —(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "a physical disability".
s. 4a (2), amended	(2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical disability".
s. 6a, amended	<b>3.</b> Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical disabilities".
s. 9 (a, c), amended	<b>4.</b> Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical disabilities".
s. 19, amended	<b>5.</b> Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause:  (ha) "physical disability" means any illness such as epilepsy, diabetes, as well as any malformation, disfigurement, paralysis, amputation requiring reliance on a remedial device, also blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment.
Commence- ment	<b>6.</b> This Act comes into force on the day it receives Royal Assent.
Short title	<b>7.</b> This Act may be cited as <i>The Ontario Human Rights Code Amendment Act, 1977</i> .









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An Act to amend  
The Ontario Human Rights Code

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*1st Reading*

April 29th, 1977

*2nd Reading*

*3rd Reading*

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MR. ANGUS

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*(Private Member's Bill)*

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